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By

Ng Poon Chew, Editor of Chung Sai Yat Po

A STATEMENT FROM *the* CHINESE *in* AMERICA

San :: Francisco, :: California, :: January, :: 1908

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CALIFORNIA SECTION

By NG POON CHEW, Editor of CHUNG SAI YAT PO

SAN FRANCISCO, CALIFORNIA, JANUARY, 1908

The Treatment of the Exempt Classes of Chinese in the United States.

A STATEMENT FROM THE CHINESE IN AMERICA.

After a quarter of a century of Chinese Exclusion, many people take it for granted that Exclusion has become a fixed policy of the Government of the United States, and that the vexed Chinese question is finally and permanently settled, as far as this country is concerned. The exclusion of Chinese laborers may have become a fixed policy with the United States, but the treatment of the exempt classes is not settled and will not be until it is settled aright with justice to all.

The Chinese Exclusion Law, as now enacted and enforced, is in violation of the letter and spirit of the treaty between this country and China, and also in opposition to the original intention of Congress on the subject. As long as this law remains on the statute books in its present shape, and is carried out by methods such as are now in vogue, the Chinese question will continue to be a vexatious one in the United States, as well as a fruitful source of irritation between America and China; and it will continue to hinder the upbuilding of commercial interests between the two great countries.

During twenty-five years the Chinese exclusion policy has steadily increased in stringency; as Senator Hoar said on the floor of Congress, the United States enforced the exclusion laws first with water, then with vinegar, and then with red pepper,

and at last with vitriol. The Exclusion Law has been carried out with such vigor that it has almost become an extermination law. The Chinese population in the United States has been reduced from 150,000 in 1880 to 65,000 at the present time. During these twenty-five years much injustice and wrong have been heaped upon the Chinese people by the United States in the execution of its exclusion policy, and now it is time that this great nation should calmly review the whole question thoroughly and revise the law, so that it may come within the spirit of the treaty, and at the same time fulfill the original intention of Congress, namely: the exclusion of Chinese laborers, and the admission of all other classes.

President Roosevelt, in his annual Message to Congress in 1905, said:

> In the effort to carry out the policy of excluding Chinese laborers, Chinese coolies, grave injustice and wrong have been done by this nation to the people of China, and therefore ultimately to this nation itself.

And he urged that the laws should be so framed as to permit those who are not laborers to come and go at will, enjoying the same privileges and immunities as are enjoyed by the same classes of other nationalities.

The Secretary of Commerce and Labor, Oscar S. Straus, in his annual report to the President in 1907, said:

> It has never been the purpose of the Government, as would appear from its laws and treaties, to exclude persons of the Chinese race merely because they are Chinese, regardless of the class to which they belong, and without reference to their age, sex, culture or occupation, or to the object of their coming or their length of stay. The real purpose of the Government's policy is to exclude a particular and well defined class, leaving other classes of Chinese, except as they, together with all other foreigners, may be included within the prohibitions of the general immigration laws, as free to come and go as the citizens or subjects of any other nation. As the laws are framed,

however, it would appear that the purpose was rigidly to exclude persons of the Chinese race in general, and to admit only such persons of the race as fall within certain expressly stated exemptions—as if, in other words, exclusion was the rule and admission the exception. I regard this feature of the present laws as unnecessary and fraught with irritating consequences. In the administration of laws so framed, notwithstanding the care taken to treat persons of the Chinese race lawfully entitled to admission with the same courtesy and consideration shown to other foreigners, it is impossible that persons who have to endure requirements and formalities peculiar to themselves should fail to take offense, and to resent as a humiliation the manner in which by law they are distinguished from natives of other countries. Laws so framed, which can only be regarded as involving a discrimination on account of race, color, previous condition or religion, are alike opposed to the principles of the Republic and to the spirit of its institutions.

It is not surprising, therefore, that both the Chinese Government and the Chinese people should feel aggrieved, and should in various ways manifest their resentment and displeasure.

It is plain, therefore, that the Chinese Exclusion Law is in need of reframing, and should be so reframed without delay. A summary review of the provisions of the treaty and the law, and the regulations for its enforcement, as far as they apply to the exempt classes, will serve to show where the injustice and wrong lie.

In the year 1880 China and the United States signed a treaty by which China agreed to the suspension or limitation for a reasonable period of the emigration to this country of Chinese laborers, both skilled and unskilled; and the United States agreed that all other classes of Chinese should come and go as freely as the subjects of the most favored nation. Article I of the treaty reads as follows:

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or

to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitation. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

And Article II reads as follows:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights and privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation.

This treaty is still in force, and yet only a very limited number of Chinese other than laborers are now admitted, and by no means as freely as even the laborers of other nationalities.

The unwarranted limitation of the exempt classes of the Chinese—who have a right to come under both treaties and laws—to a few persons of a very few occupations, has come about chiefly through political agitation to secure the votes of workingmen, and by the strong anti-Chinese prejudice of immigration officers, who were themselves often representatives of labor organizations. All Chinese, except laborers, had a right to come and go freely under the treaty and even under the first restriction law of 1882, and this was acknowledged by both nations for eighteen years, although immigration officials, in some instances, enlarged the definition of laborers so as to include persons not technically of that class.

But in 1898 the Attorney General of the United States decided that the true theory of the law was not that all Chinese who were not laborers could come in, but that only those could come who were expressly named in the law. If this were correct, the law itself was a violation of the treaty; but, in fact, this ruling violated the clear and originally accepted meaning of the treaty and of the laws passed in execution of it. The American immigration officials, however, made it a pretext for excluding all the Chinese they could, even of the five classes named in the treaty. It appeared to be their ambition to deny all Chinese admission, and any one admitted was regarded as a lost case. The phrase "officials, teachers, students, merchants and travelers for curiosity or pleasure," was used in the treaty merely by way of illustration and before 1898 had been generally so interpreted, but the Attorney General's decision gave opportunity for limiting even these classes still further.

From this time on the exempt classes of Chinese were limited by enlarging the definition of laborers to include many who were not laborers, and by narrowing the definitions of teacher, student and merchant so as to exclude many who were certainly of these classes. For instance, it was declared that a teacher was one who teaches the higher branches in a recognized institution of learning; a student was one who pursues the higher branches in a recognized institution of learning, facilities for which are wanting in his own country or in the country from which he came: a merchant was one who carried on business in a fixed place, in buying and selling, in his own name. If a merchant, who does a million dollars worth of business a year, invests one dollar in a hotel or restaurant business or in a manufacturing concern, in a mining venture or railroad enterprise, his status as a merchant is at once vitiated, and he is denied admission, or deported if already admitted. As a result

Chinese traders, salesmen, clerks, buyers, bookkeepers, bankers, accountants, managers, storekeepers, agents, cashiers, interpreters, physicians, proprietors of restaurants and laundries, employers, actors, newspaper editors, and even preachers and missionaries of Christianity, are excluded from the shores of the United States. A Chinese by the name of Wah Sang was admitted to this country as a student in theology, and as long as he was a student he was allowed to remain in the country; but when he completed his course in theological training, and entered into active service in preaching the Gospel to his countrymen under the auspices of the Methodist Church, he was arrested in Texas as a laborer, was tried and ordered deported in February, 1905, the court sustaining the contention of the immigration officials that a preacher is a laborer, and therefore subject to the operation of the Exclusion Law.

This exclusion by regulation, not justified by treaties or laws, has been carried much further so as to harass and inconvenience Chinese merchants, students and others in many ways. The United States demands a certificate of admission, with many personal details, signed by officials of the Chinese Government and of the United States; but when the certificate has been secured in proper form and every requirement has been met, the holder is not sure of being able to enter the United States; for the immigration officials re-examine him and often detain and sometimes deport him on petty technicalities. For the practice with the immigration officials is to regard every Chinese applicant for admission as a cheat, a liar, a rogue and a criminal, and they proceed to examine him with the aim in mind of seeing how he may be excluded, rather than of finding out whether he is legally entitled to land. For many years the certificate has been no guarantee that its holder could be admitted, though he might be a

great merchant or a student coming to study at an American university.

In 1904 there arrived at the port of San Francisco a Chinese gentleman from the Straits Settlement, with the intention of taking up a post-graduate course at Columbia University, he being a graduate of one of the great American universities in the Eastern States, and having taught English in colleges in Shanghai and Singapore for several years; yet, on account of trifling technical defects in his papers, he was detained for a long time at the detention shed on the Mail docks in San Francisco, and finally deported.

Among the passengers on board the steamer Ivernia which arrived at Boston on June 1st, 1905, from Liverpool, were four Chinese students, the three King brothers and their sister, Miss T. King, who had completed a three years' course in the University of London. These four students were of high official family in Shanghai, and they were on their way home, intending simply to land at Boston and cross to Canada to take the Canadian train for Vancouver. They were armed with passports signed by the American Ambassador, the Honorable Mr. Choate, who was their personal friend, certifying as to their status and intention, yet they were held on board while the very lowest and ignorant classes from southern Europe, that came in the steerage, were freely permitted to land. They would have been shipped back to England had not some local American merchants interested themselves in the case. After they were photographed and bond of five hundred dollars each given, they were permitted to land and cross to Canada. All these inconveniences and humiliation were accorded them, simply because the immigration officials at that port contended that they found some technical defect in their papers.

Furthermore, Chinese residents of the exempt classes are limited and harassed by official regulations in going to and from China, in bringing in their wives and children, and in many ways are treated as the subjects of other nations are never treated by the United States. Ladies of highly respectable families have been asked all sorts of questions in the examinations by the immigration officials which they would not dare to mention in the hearing of American ladies. A boy of ten years of age, whose father was a prominent merchant, arrived in San Francisco with his parents. After a long investigation the parents were admitted and the boy ordered deported on the ground that he had *trachoma,* although the American officers at the port of departure had given them a health certificate, and although Americans on board the vessel testified that the ship's doctor had examined the eyes of all the second cabin passengers without disinfecting his hands. The Secretary of Commerce and Labor refused to reverse the decision of deportation. There have been a number of instances where Chinese merchants returning from a trip to China with their wives and families have been allowed to land but have had their wives and children deported.

For years the *Bertillon System,* used for the identification of criminals in the United States, has also been used to identify departing Chinese of all classes who wished to return. The system has only been abandoned during the last few months because the Department at Washington failed to supply the different Bureaus with sufficient men to operate it.

Although the Geary Law of 1893, which required resident Chinese laborers to obtain a certificate of residence and to be photographed, did not require the exempt classes nor their wives and children to obtain a certificate, the regulations of the immigration bureau require officials to arrest every Chinese found

without a certificate. Consequently any Chinese merchant, student or physician who was in this country at the time of registration and did not get a certificate is now liable to arrest and imprisonment.

Under these regulations many of the exempt classes have been held up in various ways, at many places and times, by the immigration officials in their zeal to enforce the Chinese Exclusion Laws. The exempt classes, thus arrested, are put to great expense and inconvenience before they are released by United States Commissioners. Once an attache of the Chinese Legation at Washington was held up while traveling through Arizona on official business, and put to much inconvenience and indignity before he was released by order of the Department at Washington. In order to find some who might be without certificates, the whole Chinese quarter in Denver and in Boston was surrounded, and all Chinese found without certificates, whether merchants or no, were arrested and herded in close confinement, until their status was decided by the court.

In 1904 the United States sent a special minister to China to invite the Provinces to make exhibits at the Louisiana Purchase Exposition, and promised their representatives a most cordial welcome. The Viceroys of the Provinces issued proclamations and many exhibits were prepared, but when the merchants and their employes arrived they were treated by the immigration officials as if they were laborers attempting to enter the country unlawfully. Some of them were so much offended that they returned at once to China; others decided not to set out from China; and those who reached St. Louis were treated throughout the Exposition like suspected criminals.

In that year there arrived at the port of San Francisco four Chinese gentlemen from Shanghai, three of whom were exhibitors

at the St. Louis Fair, and the other a delegate from the Synod of China to attend the Presbyterian General Assembly at Buffalo, N. Y. Their papers were submitted to the American Consul in Shanghai, who passed upon them as being properly made out, and the gentlemen were assured that they would meet with no difficulties when they arrived in San Francisco. But they were denied landing by the immigration officials on the ground that their papers did not state the length of time the applicants had held their respective professions before they started for America. They were held at the detention shed, while strenuous efforts were made by their friends, both white and Chinese, who appealed to the Department at Washington and to the Chinese Legation; orders were finally received by the immigration officials in San Francisco to land these men on bonds. After incurring an expense of more than one hundred and fifty dollars in perfecting their bonds, they were permitted to leave the shed and go on their way "rejoicing" and breathing the "sweet air of liberty." This was the treatment they received when they accepted America's invitation to participate in the World's Fair.

Merchants of high standing and large business interests in the United States, returning from China on a steamer bearing a valuable invoice of goods consigned to their firms, are met by a Board of Inquiry, composed of physicians from the United States Marine Hospital Service, and are rigidly examined as to whether or not they have *trachoma*. If this Board finds even a slight redness or granulation of the eyelids, it certifies that the applicants have "trachoma, a dangerous, infectious disease," and they are ordered deported to China. From this order there is no appeal, and yet prior to their departure from the United States, these merchants complied with all the rules and regulations of the Immigration Service, and when they sailed from China on their return trip they were given a clean bill of health by the United

States Marine Hospital Surgeons at their port of departure in China.

It is well known that the discourteous treatment of merchants and students by immigration officials was the principal cause of the boycott of American products in China in 1905. Although this boycott was shortly suppressed by the Chinese Government, it was an expression of the bad feeling which had arisen between the two countries because of violation of the treaty and accumulated sense of injustice. Thirty years ago there were nearly 200 Chinese students in the United States pursuing their education; when they returned to China they became leaders of the people and reported that the Americans were a friendly and honorable nation. But since the passage of the Geary Law especially, students of all grades except post-graduate have been excluded. They go to other countries, and when they return to China do not speak favorably of the United States; and those who have received indignities in America have also returned home full of resentment, and urge their countrymen to resist the violation of the treaty.

The ill-treatment of those who were entitled to come in as freely as other nationalities has been unhappy not only in producing irritation and unfriendly feeling where formerly there was friendly feeling, but it has been disastrous also to commercial interests. Because of injustice all the great Chinese merchants who formerly paid one-third of the customs duties at the port of San Francisco, have gone back to China or do business in other countries. Although there are now few merchants of first rank in San Francisco, the Chinese importers still pay a large proportion of the customs duties. If all classes of merchants, traders and business men had been encouraged to come and go freely it is probable that the trade between China and America would have increased rapidly and would now be much greater than it is. At

the present time American exports to China are decreasing; the volume of exports to China during the year 1907 decreased fifty per cent from that of the year 1906.

Chinese laborers of all classes have been excluded from the United States by mutual agreement, and the Chinese themselves are not now asking for any change in this arrangement; but they do ask for as fair treatment as other nationalities receive in relation to the exempt classes. Since the first restriction law was passed the United States has received as immigrants more than two millions Austro-Hungarians, two million Italians and a million and a half Russians and Finns. Each of these totals is from five to seven times the whole amount of Chinese immigration of all classes during thirty years of free immigration, seventy times the amount of immigration of the Chinese who were not laborers. Even if the number of the exempts under a just interpretation of the treaty should rise to 10,000 in one year, it would still be less than one one-hundredth of the total immigration to the United States in one year. During the fiscal year 1907 there came to the United States from Europe 1,280,000 immigrants; whereas, during the thirty years of free Chinese immigration, the largest number of Chinese found at any one time in the United States was one hundred and fifty thousand.

The question is not now of the admission of laborers, but whether other Chinese who are entitled to come under both law and treaty shall receive the same courtesies as people of other nations, and shall be relieved from many harassing regulations. They must no longer be detained, photographed and examined as if they were suspected of crime. Americans desire to build up a large trade with the Orient, but they can scarcely expect to succeed if the United States Government continues to sanction the illegal and unfriendly treatment of Chinese subjects. President Roosevelt has said that if the United States expects justice

it must do justice to the Chinese, and certainly the Americans cannot expect to obtain the trade of the Orient by treating the Chinese with discourtesy.

The Honorable William H. Taft, Secretary of War, not long ago in a public address, said:

> Is it just that for the purpose of excluding or preventing perhaps 100 Chinese coolies from slipping into this country against the law, we should subject an equal number of Chinese merchants and students of high character to an examination of such an inquisitorial, humiliating, insulting and physically uncomfortable character as to discourage altogether the coming of merchants and students?
>
> One of the great commercial prizes of the world is the trade with the four hundred million Chinese. Ought we to throw away the advantage which we have by reason of Chinese natural friendship for us, and continue to enforce an unjustly severe law and thus create in the Chinese mind a disposition to boycott American trade and drive our merchants from the Chinese shores simply because we are afraid that we may for the time lose the approval of certain unreasonable and extremely popular leaders of California and other Coast States?
>
> Does the question not answer itself? Is it not the duty of members of Congress and of the Executive to disregard the unreasonable demand of a portion of the community, deeply prejudiced upon this subject, in the Far West, and insist on extending justice and courtesy to a people from whom we are deriving and are likely to derive such immense benefit in the way of international trade?

THE GEN. JOHN BIDWELL
HISTORICAL COLLECTION

SPEECH

OF

HON. WILSON FLINT,

IN THE

SENATE OF CALIFORNIA, MARCH 21, 1856,

ON THE BILL TO REDUCE THE CHINESE MINING LICENSE TAX.

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SPEECH

OF THE

HON. WILSON FLINT

ON THE

CHINESE QUESTION:

Mr. President:—I am aware that he who advocates a measure, which in the least presents an obstacle to the extension of commerce, will be accused of illiberality and narrow statesmanship; nor have I closed my eyes to the truism that the more consumers there are, the more producers; the more mouths there are to be fed, and backs to be clothed, the more hands will be filled with tools, the more money will be made; and, as a necessary consequence, there will be diffused among the people a greater amount of public and private prosperity.

Admitting that the encouragement of Chinese labor in this State would benefit the ship owner, the house building speculator of cities, steamboat and stage companies, the tradesman of whatever character who has anything to sell, does it follow that these are the only interests in society to receive encouragement and protection from the law making power of the commonwealth? Is it true, that a State, so boastful of its institutions, which are designed to elevate its citizens, makes the acquisition of money paramount to all other considerations? Has the government no solicitude for the moral, mental, and social well being of its people? It can hardly have come to this, that the God, Mammon, holds triumphal court, and that the glitter of mercenary consideration plead so loud around his throne, that the small voice of hopeful virtue can never be heard? It cannot have come to this: that the moral and intellectual culture of our citizens, is of a secondary consideration with those, who desire to witness its free institutions elevate to the highest positions in the republic, the man who to-day may be an humble toiler in the laborious occupations of life! It cannot have come to this, that the philanthropist will make no remonstrance, when he sees the God endowed white man forced into degrading equality with races, who can never share with him the duties and burdens of self-government, the responsibility and glory of a free citizen!

I will admit that the Chinese have a claim upon our humanity; that as they have been invited hither by express or implied legislation, we should be careful how we impose new conditions which may be calculated to oppress them. I have no doubt the increase of the license tax has borne heavily on this class of people, and if enforced in future, will entirely drive the Chinese from the gold mines. That such was the intention of the last Legislature is unquestioned; I supported the passage of the act, and from a more extended acquaintance with the subject, see no reason for its repeal.

It does not require any argument to show that the great inducement to immigration from the Atlantic States and Europe, has been the high price of labor, and all know that mining is the regulator of labor in California, and anything that tends to reduce it, lessens the inducement for immigration, particularly of that class who can become our fellow-citizens.

Have those who desire the repeal of the

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mining tax considered the consequences of opening the door of our country, wide and unobstructed, to the barbarian hordes of Eastern Asia? Have they considered what its effects will be on the moral and physical condition of our people? Had they done so, I do not believe there would be one intelligent man in this body who would encourage their incoming or sojourn amongst us.

I have carefully looked over the tables of statistics, which have been collected by various persons, with regard to the value of this Chinese labor to California, and I find it sums up a total of many millions of dollars—a sum so large that every money changer may well rub his palms in ecstacy, at the exhibit of apparent increasing wealth; but does this labor increase the wealth of the country? While the advantages of their labor has been given in all its bearings, there has not, as yet, been an exhibit presented of the burdens this class of people impose upon those who bears the burdens of government. A great deal has been said of the revenue which the State and counties receive from the mining tax paid by Chinese, but, as yet, *no account has been given of the cost which the State and counties have been put to, in performing the civil and criminal jurisprudence connected with the Chinese themselves.*

Everywhere the services of our citizens are daily required to sit as jurors in cases where the Chinese are parties litigant. Daily the labors of judges, sheriffs and policemen are footing up an aggregate of expenditure on account of their presence, which goes far to offset the mining tax which they pay into the treasury. Yearly the costs of our prisons involve a sum total which may well alarm our people. I will not infer that the amount of crime committed by the Chinese themselves, is of any great moment, I will state the broad proposition, that a large amount of the crime committed in California has its origin and inception from the contact of other races with the Chinese. Our laws afford them no protection, and it is notorious that white men go into the Chinese camps, in isolated mining districts, and commit robbery and murder with impunity, escaping punishment because Chinese evidence cannot be used against them, although thousands may be the witnesses. Having once imbrued their hands in human blood, these tigers of civilization stop not as only being the destroyers of a people scarcely regarded as human, but their starved appetites, grown fierce as a wolf's, gloat in horrid banquet on life's ebbing current, whether flowing in white or dark channels matters not.

So long as you encourage the Chinese or other races obnoxious to our people, to domicil within the State, you raise up a barrier to the immigration of the peaceable and timid people of the Atlantic States. The brave miner walks dauntless amid the scenes of anarchy and blood, which everywhere mark the history of California; yet, he hesitates long before he involves his wife and children in the dangers that surround him. Who will soon forget the horrors of "Vallecito?"

Banish, then, from this gold land the races who can never share the equalities and responsibilities of citizenship, and there will spring up, as by magic, in every mountain dell, the cottage and hamlet, the "home, sweet, sweet HOME, fireside," and where *now* is seen on a Sabbath morn, the bait of the bull and bear, will *then* be heard the merry church-going bell, the laughter of childish glee, the sweet voice of woman, and the glad songs of miners' hearts from miners, homes.

The farther toleration of the Chinese in our gold mines has no plea in its favor, except of a pecuniary nature. A sickly sentimentality urges that by the contact of the Mongolian race with the American people, they will adopt the customs of civilization, and carry back with them to the barbarians of the East the lights of Christianity.

Facts in the reach of all controvert any such argument. What the Chinese are on entering our State, they remain, after years of intercourse amongst us, and they go back to their native land as unchanged as the laws of Confucius. An eminent oriental traveler has truly remarked that the Chinese are a nation of incurable conservatives; that a Chinaman of today is, to all intents and purposes, the Chinaman of two thousand years ago: that he has neither changed in his habits or education; that his style of dress, occupations and ideas, are but a transcript of the long past.

The Chinese polity is an anomaly in the history of nations. While we discover in their works of art a skill almost unsurpassed, we fail to trace with the progress of time any evidence of that improvement which should mark the foot prints of a nation. The discoveries in science by their *savans* of a thousand years ago have sufficed for succeeding generations. Its almond eyed millions, their great empire and long history, are but a mere changing copy of what has been, and so they will remain until opium, that slow poison, shall have sunk them in Lethe's sea, and the Caucasian has planted his strong race where now are scattered broadcast the seeds of a nation's decay. The Chinese are an isolation, as a people, who have no conception of that sublime idea which invests the soul with an immortal spirit, holding communion with a spiritual God. The rude Etheiodian, in his darkness more blinding than Egyptian night, invests his senseless toy with the majesty of the Great I AM. The stunt children of Labrador, or the tall savage of the Amazon, dreams on the glacier or in the flowery forest, that beyond this mortal life there are hunting grounds wherein repose the spirit and their Great Father. Alas! the poor Chinese, steeped in ages of beastial indulgencies, has found no panacea for his sorrows, no sunlight of hope illumining his

path to that mysterious eternity, the ensealed hereafter.

With the Chinese, veneration for their dead and the aged, and customs handed down to them through thousands of years, constitute the substance of their religious belief. Their government is of the patriarchal order, a system of mutual responsibilities, whereby the parent is held accountable for the acts of the child, a system which is tenacious of all that is old and rejects everything that is new.

I hear much said in private circles, and read much in the newspapers of the day, upon the subject of bringing masses of Chinese into our State, in order to enlighten them, so they may carry back to the oriental East habits of civilization. It is the boast of the Chinese, that the Flowery Kingdom is the center of human gravitation, the focus of all light, whose "fair outshining beams" wane dimly as they flicker farther off from the throne of the Brother of the Sun, and waste their effulgence amid the barbarians of Europe and America.

Has the residence of the Chinese in California given earnest of their competency or desire to adopt the customs of our country? I think not. Look where you may, you find them without change of habits, clannish to the last, avoiding intercourse with our people, and governed under the direction of secret organizations, they are enabled to conduct their operations with a celerity most surprising, and the every-day facts connected with their sojourn amongst us are as little known to our people as the unintelligible jargon by which they communicate among themselves. Their attachment to California is of so trivial a character, their detestation of our laws, customs and hospitalities so great, that they exhume the very bones of their deceased countrymen and send them back to fatherland, over thousands of miles of ocean. What talismanic power brings the disciples of Confucius to this modern Ophir? Gold. The yellow god Mammon has smote the impassable walls of the Chinese Empire, and its gates, so long closed up, open wide to the ergress of its myriads, and swarming from every hive, we find the Caucasian and Mongolian races in contact at the gold fields of California. Here as elsewhere, the effeminate become the "hewers of wood and drawers of water;" here as elsewhere, the God-endowed white man rules tht hour, and the servitude of the degraded caste is as absolute and complete as though it were involuntary. Here as elsewhere, the unnatural association is advantageous to neither, and I believe is every way positively injurious to the more elevated caste. The result of competition, by degraded labor, in all countries, has a tendency to make men shun the industrial pursuits, and adopt modes of life positively at variance with common honesty. If you allow the Chinese to continue in the mines in large numbers, their presence in time will greatly affect the price of labor, as obstacles will be interposed in the way of their mining on their own account, and they will be forced to seek employment from our citizens, which will deprive the new comer and those of our citizens unable to buy claims from getting employment. Under such a condition of things, the white man will become careless and acquire a disgust for labor. If able to employ the Chinese, he will occupy the position of master, and they of serf. If poor and unambitious, he feels that a degraded race are his equals, so far as the great occupations of life are concerned, and he will curse in his sullen heart the more favored sons of fortune, until his pent-up madness finds vent in popular convulsion. Woe then to the Chinese!

I thank God that it was my condition of life to have been born to the necessity of labor, and in a country where it is regarded as honorable. I thank God that in all of my mutations of fortune my heart's sympethy has never closed to the appeal of the hard toiler, whose patient hand fashions shapeless matter into form, bringing beauty and order out of chaos, and everywhere laying broad and deep the foundations upon which can alone stand the enduring TEMPLES OF LIBERTY. I thank God that I live in a country where the humblest child claims equality of birthright with the pampered son of wealth; where the citizen sovereign, throwing down his electrified tools, displays on hardened palms the heraldry of honest labor—credentials to station the most exalted in the gift a free people. If you would cultivate an enlightened public sentiment, you must weed out from among the people everything of a foeted growth; you must make men feel that they are cared for by the government, and that their system of laws is designed to elevate them, never to become engines for their debasement and oppression. We do not yet seriously feel the evils growing out of the presence of the Chinese, and we shall not seriously feel them until our own population becomes less nomadic.

By the constant accessions to our race from the Atlantic side, we renew the flagging energy of our people, giving impulse even to those who by contact with this degraded labor, have relapsed into habits of indolence. So long as Rome was a propagandist, and sent her conquering armies to every part of the world, she was free and powerful, and the humblest citizen obtained the jealous care of the nation; but when her victorious legions returned with hordes of slaves, and the spoils of the barbarian world, voluptuousness took the place of frugality; indolence for industry; and from that hour commenced her decline and fall; and in a short time Goth and Vandal slaves mastered IMPERIAL ROME.

I am not content to treat this Chinese question in the light and frivilous way that many are disposed to. I regard it as the most serious matter that has ever occupied the attention of the people of California. If their domicil-

here now is an evil—and I may say that public opinion is divided on that question—what will it be when they swarm here in unlimited numbers? Those in favor of their becoming proprietors in mining claims, assert that they are not in the way of our citizens, as they work claims which our people will not touch. Does any one believe that the time will not come when white men will be glad to avail themselves of the claims now being exhausted by the Chinese? Our gold mines are wonderfully rich and inexhaustible, but every dollar extracted therefrom, is so much toward their impoverishment.

If the Chinese expended the gold obtained from our mines in permanent improvements in our country, and invested their gains in endowing the State with those substantial enterprises, which become increasing sources of wealth—long after gold mining shall have ceased to be the greatest employment of our people—then there would be some excuse for their encouragement here. But the reverse is the case; sent here and controlled by a few companies in China, every dollar they earn goes back to their native land, and returning themselves, after the period of their enlistment has expired, they leave no evidence of their usefulness while here; and we can only remember them, for the moral poisons they scatter throughout the community. While their presence here, in a pecuniary way considered, is of doubtful advantage, in a moral and political aspect, it is a matter of serious alarm.—In some of the Atlantic States, especially Connecticut, Chinese have been admitted to citizenship by naturalization, and it is fresh in the remembrance of many Senators on this floor, that they have applied for naturalization in this State, and in the absence of statutary law on this subject, our Supreme court, to their lasting honor, refused their admission.—What would have been the effect of admitting to our elective franchise, 40,000 Chinese, ignorant of our language and institutions, a horde of barbarians under domination of a few Chinese houses, who by making terms with political demagogues, could absolutely control the politics of the country. I have to congratulate the people of California that when the crisis came, which was to decide a question of such momentuous consequences, its highest judiciary was composed of men whose States rights doctrines, and a sense of public necessity, impelled them to declare for a principle, which has saved our people from a great calamity.

It is possible that the decision of our Supreme bench may conflict with the Constitution of the State, or that of the United States, and that some future bench may so declare, and order the naturalization of Chinese. Now to avoid the danger of such a contingency, I am in favor of the expulsion of the entire race from our land. I am not in such haste to people this fair land as to desire the promiscuous commingling of all the races of the earth. I believe that the Almighty in his wisdom reserved this modern Eden for the period when steam power shall have conquered time and space—that here, where perpetual spring decorate with gay flowers the bounteous harvest, the All-Wise has intended that man, bearing the image next to the Divine master, shall hold supreme rule. I desire, for one, that here the Caucasian may cultivate the arts of peace, undisturbed and unaffected by the contaminating influences of Mongol or Ethiopian. I believe it is the mission of California to spread civilation along the Pacific slope of the continent, and over oceans, even to the palaces of Jeddo and the temples of Pekin, and in order to become a successful propagandist abroad of our peculiar institutions, we must never admit to our own hearthstone a counteracting barbarianism.

Henceforth let this prolific clime nourish on its fruitful soil, an Anglo-Saxon race, who shall combine the strong features of character which mark and distinguish the different branches of the Caucasian family. Henceforth, let the successful problem of "man's capacity for self-government" have ample scope wherever the genial breezes of the Pacific ocean fan the western continent, even from the broad and frigid glacier of Sitka, to the narrow belt of torrid Darien.

Ere long, the railway will span this great continent, rendering the means of transport to this El Dorado safe, cheap, and rapid. From Europe it will occupy about 18 days, from the Atlantic sea-board about six or eight. What a mighty tide of people will then pour into this golden State from Eastern America and Europe. Grateful hearts will then bless the pioneers of the State, that they had the forethought and self-denial to forego present emoluments for future glory, in the preservation of our rich patrimony from the spoiler of the present hour, to keep it sacred for posterity. That California will become densely populated after the completion of the railway, is evident, from the fact that the average price of manual labor in Europe is about 30 cents per day, and in the Atlantic States about 75 cents, making an average for all countries, occupied by the Caucasian race, of about 35 cents per day. In California wages may be rated at $2 per day, at this time, with a prospective continuance at such rates for ages. This, then becomes an inducement for millions of people, who have strong and willing hands to labor, to bend their footsteps hither, when safe and cheap means of travel can be obtained. Why is it that the vast outpourings of emigration from the crowded nations of Europe, almost in a body, take up their new homes in the snowy regions of the northern States of our great confederacy? Why do they as a body, avoid the fair lands of the sunny south? It is no less the land of hospitality and generous welcome. Is it not natural that they will rather submit to penury, privations and want, and enjoy their noble freedom and equality, where all are equal, than submit to the degrading con-

fact of serfdom, and suffer the competition of involuntary labor? I ask every man, whose generous soul feels an affinity to the poor toiler of his brother race, who to-day may be beating with patient stroke, the unyielding store of fortune's favors, to shield that brother from degradation. I appeal to every man to cast aside considerations of a present and temporary policy, and provide remedies which shall avert from the future an impending danger.—While the evil is of no great magnitude on our present population, let us look well that we inflict no irremidable and curcless wrong upon posterity.

It is contended that to refuse the Chinese admission and equal privileges would be in conflict with our treaty with that nation. I have carefully examined the treaty of the United States with the Emperor of China, and find no intention on the part of those who ratified it to give the Chinese any more rights in our country than they allow us in theirs. They have limited our commerce to five ports, and there place it under very arbitrary restrictions. They allow our people to engage in none of their industrial pursuits, nor can we acquire lands by occupation or purchase. Why, then, should we grant them privileges denied by them to us? You do not propitiate the Emperor of China by so doing. His policy is opposed to the immigration of his subjects, and those who have been permitted to leave, first pledge their relatives as hostages for their final return, and a scrupulous fulfillment of their contracts with the companies who send them here.

It is argued by those favorable to the Chinese coming among us, that the mining counties, having so little taxable property, could not support their county organizations without this license tax paid by the Chinese. The consideration of this part of the subject involves the grave inquiry as to whether that interest which absorbs the attention of nine-tenths of the people in the mining districts, should not bear its share of the public burdens. The miner, equally with all other classes, obtains through the law redress of wrongs; and the adjudication of his disputes occupy no mean share of the time of judges and jurors. Ought he not also to bear a portion of the burdens of that system of government of which his franchise as an elector gives him the preponderating voice? I am aware that propositions to tax miners or their claims have met with little favor with the legislator or ambitious politician. Who doubts but that an attempt to exempt farming lands from taxation would be scouted as an absurdity. Yet, in most countries agriculture is the preponderating interest and could relieve itself of taxation, and impose the collection of revenue from other callings in the minority.

Really the question of sources of revenue in the mining districts is narrowed down to this: Is it best for the American miner to have a degraded species of labor at his very elbow, and suffer the exhaustion of the mines, and by long competion, the gradual reduction of wages, because it will relieve him of the expenses of a government it is his proud boast to be a co-operative instrument in its construction and maintenance? Would there not be more prudence in the management of the affairs of the different counties if the revenue for their support came directly from the pocket of the voter? These are only suggestions thrown out for the consideration of those who take no more than a superficial view of political economy.

California has boundless wealth, no mean source of which is her millions of acres of tule lands. They have been formed by deposits of alluvium, brought down from the mountains in great freshets, and the decay of rank vegetation; these, the accumulation of ages in all respects, resembles the unsurpassed deltas of Louisiana. This vast region is penetrated everywhere by navigable rivers; and the eye, glancing from the deck of the swift-flying steamer, gazes over broad areas of rank and unsubdued weeds. To my mind, it seems that Providence has ordained that here, where now all is a wilderness of waste, there shall, ere long, spring up the olive and the orange, the cane and cotton.

I am satisfied from personal examination, that no soil in the world is more favorable for the cultivation of the latter two great staples. It may not be out of place for me to here state that our mild and spring-like winters are quite as favorable for the propagation of the young plants, as our summers, free from humidity, are to their most perfect development and maturity. To reclaim and cultivate the tule lands, in any considerable quantities, will require a vast manual labor power, and it is idle to suppose that white men will leave our rich gold mines, for these labors; nor could they with safety use these alluvial bottoms, until after long cultivation, the miasma shall have been dissipated by the labor of races, inured by physical habits and nativity, to such occupations.

The policy, or feasibility of availing of Chinese labor in the cultivation of our tule lands, has met with so much opposition heretofore, and indeed is received with such disfavor at this time, that it is useless to propose any measures having for their object the employment of the Chinese in the reclaimation and cultivation of these lands, destined to be on exhaustless source of wealth to the State. Doubtless the time will come, and at no distant day, when such a project will be demanded as a public necessity, and the subject may well engage the attention and anxiety of the wisest statesman. Lest an evil, small as a man's hand, may grow to such giant's proportions as in after ages to overshadow the land with its pernicious consequences.

Chinese Immigration.

SPEECH

OF

HON. JOHN F. MILLER,

OF CALIFORNIA,

IN THE SENATE OF THE UNITED STATES,

Tuesday, February 28, 1882.

MR. MILLER, of CALIFORNIA, said:

MR. PRESIDENT—The amendment in the nature of the substitute proposed by the Committee on Foreign Relations has been read for information, and it is as reported by the full Committee a unanimous report. The changes made by the amendment have been thought necessary by the committee in order to make the bill conform more strictly to the treaty commonly known as the immigration treaty, which was ratified by the Senate at its special session during the last spring. Many of the changes made by the amendment are of phraseology merely. I believe that the bill as reported does conform in every particular to, and does not contravene in any way, the treaty referred to. I shall now, by the courtesy of the Senate, proceed to submit some remarks upon the bill as reported by the committee.

This measure is not a surprise to the Senate, nor a new revelation to the country. It has been before Congress more than once, if not in the precise form in which it is now presented, in substance the same, and it has passed the ordeal of analytical debate and received the affirmative vote of both Houses. Except for the Executive veto it would have been long ago the law of the land. It is again presented, not only under circumstances as imperative in their demand for its enactment, but with every objection of the veto removed and every argument made against its approval swept away It is an interesting fact in the history of this measure, that the action which has cleared its way of the impediments which were made the reasons for the veto, was inaugurated and consummated with splendid persistence and energy by the same administration whose executive interposed the veto against it. Without stopping to inquire into the motive of the Hayes administration in this proceeding, whether its action was in obedience to a conviction that the measure was in itself right and expedient, or to a public sentiment, so strong and universal as to demand the utmost vigor in the diplomacy necessary for the removal of all impediments to its progress, it must be apparent that the result of this diplomatic action has been to add a new phase to the question in respect of the adoption of the measure itself.

In order to fully appreciate this fact it may be proper to indulge in historical reminiscence for a moment. For many years complaints had been made against the introduction into the United States of the peculiar people who come from China, and the Congress, after careful consideration of the subject, so far appreciated the evil complained of as to pass a bill to interdict it.

The Executive Department had, prior to that action, with diplomatic finesse, approached the imperial throne of China with intent, as was said, to ascertain whether such an interdiction of coolie importation, or immigration so called, into the United States would be regarded as a breach of friendly relations with China, and had been informed by the diplomat, to whom the delicate task had been committed, that such interdiction would not be favorably regarded by the Chinese Government. Hence, when Congress, with surprising audacity,

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passed the bill of interdiction, the Executive, believing in the truth of the information given him, thought it prudent and expedient to veto the bill, but immediately, in pursuance of authority granted by Congress, he appointed three commissioners to negotiate a treaty by which the consent of China should be given to the interdiction proposed by Congress. These commissioners appeared before the Government of China upon this special mission, and presented the request of the Government of the United States affirmatively, positively, and authoritatively made, and after the usual diplomatic ceremonies, representations, mis-representations, avowals, and concealments, the treaty was made, the concession granted, and the interdiction agreed upon. This treaty was presented here and ratified by the Senate, with what unanimity Senators know, and which the rules of the Senate forbid me to describe.

The new phase of this question, which we may as well consider in the outset, suggests the spectacle which this nation should present if Congress were to vote this or a similar measure down. A great nation cannot afford inconsistency in action, nor betray a vascillating, staggering, inconsistent policy in its intercourse with other nations. No really great people will present themselves before the world through their government as a nation irresolute, fickle, feeble, or petulant; one day eagerly demanding of its neighbor an agreement or concession, which on the next it nervously repudiates or casts aside Can we make a solemn request of China, through the pomp of an extraordinary embassy and the ceremonial of diplomatic negotiation, and with prudent dispatch exchange ratifications of the treaty granting our request, and within less than half a year after such exchange is made cast aside the concession and, with childish irresolution, ignore the whole proceeding? Can we afford to make such a confession of American imbecility to any oriental power? The adoption of this or some such measure becomes necessary, it seems to me, to the intelligent and consistent execution of a policy adopted by this Government under the sanction of a treaty with another great nation.

If the Executive department, the Senate, and the House of Representatives have all understood and appreciated their own action in respect of this measure; if in the negotiation and ratification of the new treaty with China the Executive and the Senate did not act without thought, in blind inconsiderate recklessness—and we know they did not—if the Congress of the United States in the passage of the fifteen passenger bill had the faintest conception of what it was doing—and we know it had—then the policy of this Government in respect of so-called Chinese immigration has been authoritatively settled.

This proposition is submitted with the greater confidence because the action I have described was in obedience to, and in harmony with, a public sentiment which seems to have permeated the whole country. For the evidence of the existence of such a sentiment, it is only necessary to produce the declarations upon this subject of the two great historical parties of the country, deliberately made by their national conventions of 1880. One of these (the Democratic convention) declared that there shall be—

> No more Chinese immigration except for travel, education, and foreign commerce, and therein carefully guarded.

The other (the Republican) convention declared that—

> Since the authority to regulate immigration and intercourse between the United States and foreign nations rests with Congress, or with the United States and its treaty-making power, the Republican party, regarding the unrestricted immigration of the Chinese as an evil of great magnitude, invokes the exercise of these powers to restrain and limit the immigration by the enactment of such just, humane, and reasonable provisions as will produce that result.

These are the declarations of the two great political parties, in whose ranks are enrolled nearly all the voters of the United States; and whoever voted at the last Presidential election voted for the adoption of the principles and policy expressed by those declarations, whether he voted with the one or the other of the two great parties. Both candidates for the Presidency were pledged to the adoption and execution of the policy of restriction thus declared by their respective parties, and the candidate who was successful at the polls, in his letter of acceptance, not only gave expression to the sentiment of his party and the country, but with a clearness and conciseness which distinguished all his utterances upon great public questions, gave the reasons for that public sentiment. He said:

> The recent movement of the Chinese to our Pacific coast partakes but little of the qualities of an immigration, either in its purposes or results. It is too much like an importation to be welcomed without restriction; too much like an invasion to be looked upon without solicitude. We cannot consent to allow any form of servile labor to be introduced among us under the guise of immigration.

Further on, in speaking of the probable results of the labors of the commission then in China, he said:

> Should these efforts fail it will be the duty of Congress to mitigate the evils already felt, and prevent their increase by such restrictions as, without violence or injustice, will place on a sure foundation the peace of our communities and the freedom and dignity of labor.

With these words James A. Garfield—now of blessed memory—submitted his name for the suffrages of his countrymen; and when we remember the fact that by the publication of a clever forgery, which was intended to create a suspicion as to the sincerity of his expressions just quoted, he came near defeat for the high office of President, the strength and universality of the public opinion be so forcibly expressed becomes all the more manifest.

The political history of this country may be searched in vain for an example of such perfect unanimity of expression by the parties at any time contending for political power upon a question of governmental policy. It would seem that the question of Chinese restriction has passed the stage of argument. To such a policy both political parties are equally pledged, bound and committed by the most solemn and deliberate acts and declarations, and if these declarations were made in earnest, this or a like measure will pass both Houses nearly unanimously. The vote upon this bill will determine, I think, whether the leaders of the two great political parties of this country were in earnest in making these declarations, or whether they were made merely to deceive the people and to catch votes.

In this connection it is proper also to consider the probable effect of a failure or refusal of Congress to pass this bill upon the introduction of Chinese coolies into the United States in the future. An adverse vote upon such a measure is an invitation to the Chinese to come. It would be interpreted to mean that the Government of the United States had reversed its policy, and is now in favor of the unrestricted importation of Chinese; that it looks with favor upon the Chinese invasion now in progress. It is a fact well known that the hostility to the influx of Chinese upon the Pacific coast displayed by the people of California has operated as a restriction, and has discouraged the importation of Chinese to such a degree that it is probable that there are not a tenth part the number of Chinese in the country there would have been had this determined hostility never been shown. Despite the inhospitality, not to say resistance, of the California people to the Chinese, sometimes while waiting for the action of the General Government difficult to restrain within the bounds of peaceable assertion, they have poured through the Golden Gate in constantly increased numbers during the past year, the total number of arrivals at San Francisco alone during 1881 being 18,561. Nearly two months have elapsed since the 1st of January, and there have arrived, as the newspapers show, about four thousand more.

The defeat of this measure now is a shout of welcome across the Pacific Ocean to a myriad host of these strange people to come and occupy the land, and it is a rebuke to the American citizens who have so long stood guard upon the western shore of this continent, and who, seeing the danger, have, with a fortitude and forbearance most admirable, raised and maintained the only barrier against a stealthy, strategic, but peaceful invasion, as destructive in its results and more potent for evil than an invasion by an army with banners. An adverse vote now is to commission under the broad seal of the United States all the speculators in human labor, all the importers of human muscle, all the traffickers in human flesh to ply their infamous trade without impediment under the protection of the American flag, and empty the teeming, seething slave pens of China upon the soil of California! I forbear further speculation upon the results likely to flow from such a vote, for it presents pictures to the mind which one would not willingly contemplate.

These considerations which I have presented ought to be, it seems to me, decisive of the action of the Senate upon this measure; and I should regard the argument as closed did I not know that there still remain those who do not consider the question as settled, and who insist upon further inquiry into the reasons for a policy of restriction, as applied to the Chinese. I am not one of those who would place the consideration of consistency or mere appearances above considerations of right or justice; but since no change has taken place in our relations with China, nor in our domestic concerns which renders a reversal of the action of the government proper or necessary, I insist that if the measure of restriction was right and good policy when Congress passed the fifteenth passenger bill, and when the late treaty with China was negotiated and ratified, it is right and expedient now.

This measure had its origin in California. It has been pressed with great vigor by the Representatives of the Pacific coast in Congress for many years. It has not been urged with wild vehement declamation by thoughtless men, at the behest of an ignorant, unthinking, prejudiced constituency. It has been supported by incontrovertible fact and passionless reasoning, and enforced by the logic of events. Behind these Representatives was an intelligent, conscientious public sentiment—universal in a constituency as honest, generous, intelligent, courageous and humane as any in the Republic.

It had been said that the advocates of Chinese restriction were to be found only among the vicious, unlettered foreign element of California society. To show the fact in respect of this contention, the Legislature of California in 1878 provided for a vote of the people upon the question of Chinese immigration (so called) to be had at the general election of 1879. The vote was legally taken, without excitement, and the response was general. When the ballots were counted, there were found to be 883 votes for Chinese immigration and 154,638 against it. A similar vote was taken in Nevada and resulted as follows: 183 votes for Chinese immigration and 17,259 votes against. It has been said that a count of noses is an ineffectual and illusory method of settling great questions, but this vote of these two States settled the contention intended to be settled; and demonstrated that the people of all others in the United States who know most of the Chinese evil and who are most competent to judge of the necessity for restriction, are practically unanimous in the support of this measure.

Is it to be supposed that this vote of California was the effect of an hysterical spasm, which had suddenly seized the minds of 154,000 voters, representing the sentiment of 800,000 people? For nearly thirty years this people had witnessed the effects of coolie importation. For more than a quarter of a century these voters had met face to face, considered, weighed and discussed the great question upon which they were at last called upon, in the most solemn and deliberate manner, to express an opinion. I do not cite this extraordinary vote as a conclusive argument in favor of Chinese restriction: but I present it as an important fact suggestive of argument. It may be that the people who have been brought face to face with the Chinese invasion are all wrong, and that those who have seen nothing of it, who have but heard something of it, are more competent (being disinterested) to judge of its possible, probable and actual effects, than those who have had twenty or thirty years of actual continuous experience and contact with the Chinese colony in America; and it may be that the Chinese question is to be settled upon considerations other than those practical common sense reasons and principles which form the basis of political science.

It has sometimes happened in dealing with great questions of governmental policy that sentiment, or a sort of emotional inspiration, has seized the minds of those engaged in the solution of great problems, by which they have been lifted up into the ethereal heights of moral abstraction. I trust that while we attempt the path of inquiry in this instance we shall keep our feet firmly upon the earth. This question relates to this planet and the temporal government of some of its inhabitants; it is of the earth earthly; it involves principles of economic, social and political science; rather than a question of morals it is a question of national policy, and should be subjected to philosophical analysis. Moreover, the question is of to-day. The conditions of the world of mankind at the present moment are those with which we have to deal. If mankind existed now in one grand co-operative society, in one universal union, under one system of laws, in a vast homogeneous brotherhood, serenely beatified, innocent of all selfish aims and unholy desires, with one visible temporal ruler, whose judgments should be justice and whose sway should be eternal, then there would be no propriety in this measure.

But the millennium has not yet begun, and man exists now, as he has existed always—in the economy of Providence—in societies called nations, separated by the peculiarities if not the antipathies of race. In truth the history of mankind is for the most part descriptive of racial conflicts and the struggles between nations for existence. By a perfectly natural process these nations have evolved distinct civilizations, as diverse in their characteristics as the races of men from which they have sprung. These may be properly grouped into two grand divisions, the civilization of the East and the civilization of the West. These two great and diverse civilizations have finally met on the American shore of the Pacific Ocean. The history of the human race describes a westward march from the plains of Asia, where man began his career many centuries ago, as steady and persistent as

the stars in their courses. Nations have been planted on new soil and afterward supplanted, and the grand progressive movement has been westward, passing every barrier, overcoming every obstacle, until on the California shore of the Pacific the man of the West has met the man of the Orient. Mankind has made the circuit of the globe. The great consummation has been reached; the earth has been girdled the grand march is ended. It is the achievement of all the ages, and its fulfillment marks the most important epoch in the history of man. Mr. Seward, in speaking of this event, here in the Senate once said:

> Certainly no mere human event of equal dignity and importance has ever occurred on the earth.

The two civilizations which have here met are of divers elements and character, both the result of evolution under different conditions, radically antagonistic, and as impossible of amalgamation as are the two great races who have produced them. The attempt to merge them must result, as both reason and experience teaches, in the displacement of one or the other. Like the mixing of oil and water, neither will absorb the other. The Chinese have been established on the Pacific coast for more than a quarter of a century, and have displayed every phase and characteristic of their ancient civilization, all this time under the pressure of American laws and the example of American methods, brought into direct contact with Western civilization and subjected to the powerful influences of modern thought and Christian teaching; and they have remained as fixed in their habits, methods and modes of life as if they had all this time lived in the Mountains of the Moon. Not the slightest impression has been made upon them or the peculiar civilization which they brought with them. Their modes of life remain the same, which they and their ancestors have pursued for fifty centuries in their fierce struggle for existence. They have been unable or unwilling to change the habits and character which have been forced upon them and ground into them by necessity and a heredity as old as the records of man. Nor does our experience with the Chinese differ in this respect from that of other nations who have admitted them.

It is a fact of history that wherever the Chinese have gone they have always taken their habits, methods and civilization with them; and history fails to record a single example in which they have ever lost them. They remain Chinese always and everywhere; changeless, fixed and unalterable. In this respect they differ from all other peoples who have come to our shores. The men of every other race or nation who go abroad, sooner or later, adopt the civilization of the people by whom they are surrounded, and assimilate with or are absorbed in the mass of humanity with which they come in constant contact. The Chinese are alone perfectly unimpressible, and even their offspring born on American soil and who have grown up surrounded by American influences, are Chinese in every characteristic of mind, feature, form, habit and method, precisely the same as their fathers and their ancestors in China. We have found that no impression has been or can be made upon the civilization which confronts ours on the Pacific Coast. An "irrepressible conflict" is now upon us in full force, and those who do not see it in progress are not so wise as the men who saw the approach of that other "irrepressible conflict" which shook the very foundations of American empire upon this continent.

If we continue to permit the introduction of this strange people, with their peculiar civilization, until they form a considerable part of our population, what is to be the effect upon the American people and Anglo-Saxon civilization! Can these two civilizations endure side by side as two distinct and hostile forces? Can these two forces abide in such close relation without conflict? Is American civilization as unimpressible as Chinese civilization? When the end comes for one or the other, which will be found to have survived? Can they meet half way and so merge in a mongrel race, half Chinese and half Caucasian, as to produce a civilization half pagan, half Christian, semi oriental, altogether mixed and very bad?

I insist that these questions are practical and must have answer. We have already seen in California that the American people are far more impressible than the stoical Chinese, and the influence of Chinese methods and practices upon the social economy and moral condition of our people is plainly visible. The presence of the Chinese has produced a labor system which is unique, at least different from that of any other part of the United States. This is seen in the wandering, unsettled habits of white farm laborers, who, forced into competition with the Chinese, have been compelled to adopt their nomadic habit. So that the white farm laborer in California has no home in the family he serves, as in these Eastern States, but he is a "blanket man," who works in the fields only during the

planting and harvest seasons, roaming the remainder of the year in search of other employment, his shelter the straw stack, and his food anything he can get. Under this system the great wheat growers carry on immense operations without the necessity of employing continuous labor, and the result is, large farming to the exclusion of small American homes.

The new element in American society called the "hoodlum" is the result of Chinese competition in the manufacturing districts in California, by which young people of both sexes are driven to idleness in the streets. Strange and incurable maladies, loathsome and infectious diseases have been introduced which no medical skill can circumscribe or extirpate, and the stupefying, destructive opium habit is steadily increasing among our people. These and many other evidences of the demoralizing influence of Chinese civilization are open to the dullest observation. It is said, however, that the Chinese do not come in sufficient numbers nor remain long enough in the country to disturb the equilibrium of American society, or threaten a change in American institutions or the adulteration of our civilization. Individual Chinese come and go. As a people they remain. The number of Chinese in the United States is increasing constantly from year to year, as steadily as the steamships come and go.

It is a fact of history that the Chinese have never abandoned any region wherein they have ever established themselves as they have on the Pacific coast. They have never more than temporarily quitted any soil upon which they have ever been planted Regarded by superficial observers as the most inert and pusillanimous of all peoples, they are, on the contrary, the most successful conquerers the world has ever known, because they have held all they have ever conquered, and conquered every territory they have ever invaded. And not only so; whenever China has been invaded, the invaders have been absorbed and finally conquered. To the central kingdom China has added one by one, by her peculiar methods of conquest, and still holds, the vast countries of Mongolia, Mantchuria, Thibet, and Eastern Turkistan, and now by a peaceful invasion she threatens to entirely overwhelm Siam and Formosa. The complete conquest of the Hawaiian Islands by the same insidious method is assured within the next ten years, unless vigorous measures are applied to prevent it.

As invaders the Chinese are the most persistent, subtle, and successful. They overran the Phillipine Islands three centuries ago, and despite adverse laws, indignities, cruelties and horrible massacres, these stubborn invaders have never been more than temporarily checked The first resistance to the Chinese on those islands culminated in the slaughter of 20,000 of them, nearly the whole Chinese population, but within thirty years they again numbered over 30,000. Another slaughter then ensued in which 22,000 Chinese were killed, but the undaunted survivors remained and were joined by thousands of their countrymen until 1710, when all were expelled and commerce between the islands and China was prohibited. All this has not availed against Chinese persistency; there are 90,000 Chinese now in Manilla alone.

Confronted, as we are on the Pacific, with four hundred and fifty millions of people, who have furnished such an historical example as this, the ocean barrier almost overcome by modern science in ship building; the invasion already in progress: forcible resistance upon sea or land forbidden to us; the remedy of State legislation denied to us; the invaders aided by the enterprise and cupidity of speculators in cheap labor, has not the time for the action of the general Government come? That an exodus from the province of Kwang Tung to the United States has not only begun, but has been in steady progress for many years, cannot be denied. Had this hegira been general in all the provinces of China in the same ratio as to population, and the admission of the invaders as untrammeled as it has been in respect of those who have come, and the transit as easy, there would have been already in the United States more than thirteen millions of Chinese, all able-bodied men. These, with families, would represent a population of over sixty millions.

This would have long ago degraded the Pacific States and Territories to the condition of a Chinese province, and made them a howling wilderness of Chinese. Why have they not come? Because of the cost and inadequacy of transportation, and because of the hostility and vehement opposition of the people of California! It was not for want of disposition to come Had the labor brokers, the speculators in human muscle, dared to import more than have come, there were millions of hungry, half-starved Chinese of the northern provinces eager to come. For those who came openings were found for their labor by their importers before they left China. No risk was taken.

During the late depression in business affairs, which existed for three or four years in California, while thousands of white men and women were walking the streets, begging and pleading for an opportunity to give their honest labor for any wages, the great steamers made their regular arrivals from China, and discharged at the wharves of San Francisco their accustomed cargoes of Chinese, who were conveyed through the city to the distributing dens of the Six Companies, and within three or four days after arrival every Chinaman was in his place at work, and the white people unemployed still went about the streets. This continued until the white laboring men rose in their desperation and threatened the existence of the Chinese colony, when the influx was temporarily checked; but now since business has revived, and the pressure is removed, the Chinese come in vastly increased numbers, the excess of arrivals over departures averaging about one thousand per month at San Francisco alone. The importers of Chinese had no difficulty in securing openings for their cargoes now, and when transportation from California to the Eastern States is cheapened, as it soon will be, they will extend their operations into the Middle and Eastern States, unless prevented by law, for wherever there is a white man or woman at work for wages, whether at the shoe bench, in the factory, or on the farm, there is an opening for a Chinaman. No matter how low the wages may be, the Chinaman can afford to work for still lower wages, and if the competition is free, he will take the white man's place.

At this point we are met by the query from a certain class of political economists, "What of it? Suppose the Chinese work for lower wages than white men, is it not advantageous to the country to employ them?" The first answer to such question is, that by this process white men are supplanted by Chinese. It is a substitution of Chinese and their civilization for white men and Anglo-Saxon civilization. This involves considerations higher than mere economic theories. If the Chinese are as desirable as citizens, if they are in all the essential elements of manhood the peers or the superiors of the Caucasian; if they will protect American interests, foster American institutions, and become the patriotic defenders of republican government; if their civilization does not antagonize ours nor contaminate it; if they are free, independent men, fit for liberty and self government as European immigrants generally are, then we may begin argument upon the question whether it is better or worse, wise or unwise, to permit white men, American citizens, or men of kindred races to be supplanted and the Chinese to be substituted in their places. Until all this and more can be shown the advocates of Chinese importation or immigration have no base upon which to even begin to build argument.

But in saying this I would not be understood as seeking to avoid the economic question in respect of the relation of cheap labor to the production of national wealth. Far from it. It would be an easy task to show, as I believe, that the prevalence of cheap labor or low wages, instead of being the cause of the wealth or prosperity of a people existing under free government, is the indubitable evidence of national poverty and decay. Cheap labor is not a cause of any public good, but an effect of a vicious economic system. It is necessary to a perception of the truth, in the investigation of such questions, to consider the principles of that higher political economy which not only elucidates the laws which govern the production and distribution of wealth, but subjects the elements and causes of national prosperity or adversity to searching philosophical analysis, and exhibits clearly to view whatever constitutes the real wealth of a nation. Temporarily, and under peculiar conditions, cheap labor might be an advantage, but when we consider our condition and are confronted by the fact that the introduction into our country of an alien race of men who perform the cheap labor operates as a displacement of the natives of the soil, man for man, and substitutes a non-assimilative, heterogeneous people utterly unfit for and incapable of free or self-government, the question assumes proportions which are not to be measured by the application of mere economic theories.

To those who have not studied the history of race conflicts, nor witnessed the social and industrial phenomena now open to view in the Pacific States, it may seem strange and improbable that the apparently insignificant dwarfed, leathery little man of the orient should, in the peaceful contest for survival, drive the Anglo-Saxon from the field. This was at first thought impossible in California, and it was not until it became apparent that the Chinese were actually substituting themselves for white men, as the occupants of the Pacific coast, that the fearless, confident, generous Californian believed it possible. How, by what process and method this can be, and has been done, has been illustrated by essayists and pub-

licists, in writing and speeches which would fill many volumes, until there is, perhaps, nothing new to be said upon the subject. I would call attention to the very able pamphlet of Professor Whitney, recently published; to the strong article of Mr. Dee, published in the *North American Review* in 1878; to the report made to the Senate of California in 1877; to the several speeches heretofore made in Congress by the Representatives of the Pacific coast, and to the report of the committee of Congress, of which Senator Morton was a member, as some of the more prominent of these essays, writings and speeches.

In the discussion of this subject numerous facts are involved, with their complex relations in respect of the political, social and industrial conditions of the two races here brought in contact. In order to form a true conception of the present capabilities, characteristics, purposes and tendencies of the Chinese, a careful study of their history is necessary. Nor can any perception of the future relations which those people shall sustain toward our people be formed without a knowledge of the present condition of their race, their civilization, government and laws. One may well despair of giving this subject the treatment its importance demands, in the time usually alloted to a speech in the Senate; for the history of China is the history of a people who comprise one-third of the human race, and it extends so far into the remote past that the student of its mysteries can in a lifetime do but little more than read the title pages of its ponderous volumes. It is the history of a people whose form of government, institutions and civilization have endured without change through forty centuries or more, and survived the rise and fall, the death and decay of the mightiest nations and empires ever established on the earth.

Alone in its busy solitude this nation has wrought and struggled, never until lately looking up or out upon the world to note the triumphs or failures of contending nationalities. These are the only people who have been contented to be alone! They have never sought to teach nor desired to be taught. They have enacted their long, doleful drama of life, with its numberless tragedies, upon a stage all their own, and without an audience. From the days when the far off mysterious Cathay was the wonder-land of all the world beside, down the centuries until now the spirit of seclusion, the habit of isolation has ruled the Chinese people. Their written language is forty-two hundred years old, but their history as written upon the physical face of their country is far older. The deposits within the dikes of the Hoang Ho, if made in about the same ratio as the deposits of the Nile, show that the construction of those dikes was begun more than nine thousand years ago.

For probably one hundred centuries those people have been cultivators of the soil. Their written history discloses no change in their system of cultivation, nor in any of their methods for the production of the means of subsistence. Human labor has never been raised above the standard of mere brute energy in the cultivation of the soil. Men and women perform the work of beasts because their labor is cheaper than the brute labor. The subsistence of one beast costs in China more than the subsistence of five men, and this shuts out the brute from the domestic economy of the Chinese. Their civilization culminated before the western civilization began, and has no element of progress in it. The literature, art, science or religion of western nations has made no impression upon the Chinese. They have remained the same through all the changes of the world, and they are now a people as different from all other peoples in their characteristics, habits, methods and physical appearance as if they were the inhabitants of another planet.

The Government of China has always been imperial in form and in practice a corrupt despotism. The gulf which lies between the rulers and the common people is wider and deeper and darker than exists in any other land. The rulers have grown richer and richer, and the people poorer and poorer, until the normal condition of the lower orders is that of the most degrading, pinching poverty; and so has it been for many centuries. To them life is a monotonous agony. Men and women are sold into slavery, and go into a bondage, from which there is no escape except by death, without emotion or regret. So low is the estimate upon human life, and such is the ferocity of Chinese government, that men are beaten to death by the bamboo for trivial offenses.

It is said that in some of the provinces more female infants are exposed or murdered by their parents than are named; and this without danger of punishment! The great question in China for thousands of years has been the question of subsistence. The Chinese are a people who have increased and kept up their numbers constantly to the limit of subsistence without the interposition of any in-

telligent restraint. Civil wars, famine, pestilence, infanticide and emigration have from time to time served to relieve the pressure of human life upon the means of subsistence, but as soon as the pressure has been relieved by these or any other means the measure of increase has again been filled to the utmost limit, so that China has been an overpopulated country for thousands of years. In this persistent, dreary struggle for existence the law of the "survival of the fittest" has had full play, and from the process of induration which has been so long at work a race of men has resulted whose vital organism is adapted to the smallest needs of human life, with a capacity for physical endurance equal to that of the most stalwart races.

During the thousands of years of training which this race of men has undergone, in which they have been accustomed to incessant toil and insufficient food, the individuals who were too weak to endure the strain have fallen out, and none but the "fittest" have survived to become the progenitors of their race. The laborers of China are therefore men who by long training and a heredity which is stamped upon them and ground into them, through centuries of time, have become machine-like in every physical characteristic. They are of obtuse nerve, but little affected by heat or cold, wiry, sinewy, with muscles of iron; they are automatic engines of flesh and blood; they are patient, stolid, unemotional and persistent, with such a marvelous frame and digestive apparatus that they can dispense with the comforts of shelter and subsist on the refuse of other men, and grow fat on less than half the food necessary to sustain life in the Anglo Saxon. We have found that these men bring with them these wonderful qualities, and never lose them through all the changes of climate and food which they meet in this country; and they never change or abandon their habits or methods no matter what their surroundings may be. They herd together like beasts in places where white men could not live; they clothe themselves in the cheapest raiment as they have always done in China, and subsist on cheap food, imported for their use, and the refuse of our markets.

No matter how low the wages of the white man are fixed, the Chinese underbid him. Competition with such a machine by the free white man is impossible. To compete with the Chinese the white man must become such a man as the Chinaman is He must work as the Chinaman works, subsist on as cheap food, inure himself to the same disgusting and parsimonious diet. He must adopt the packing habit, in which the shelter and space now required for one will be sufficient for ten; the unmarried must not marry, and those who have wives or children must give up home and resort to the hovel. The school-house door can no longer swing open to admit the American laborer's child, for under this grinding competition every human being out of puling infancy must work for the means of subsistence. To compete with the Chinese, American civilization must change; all the comforts, the pleasing amusements, the sweet pleasures of existence, all that makes life worth living to those who work with their hands must be surrendered, nothing left but toil—grinding, incessant, wearisome toil; nothing but a career of misery, want, self-denial, ignorance and dumb slavery is open for the American laborer. To this low level will Chinese competition bring the laboring people of the United States, down to the degradation the demoralization, the unhappy, miserable condition of the Chinese coolie. If the Chinese could be lifted up to the level of the free American, to the adoption and enjoyment of American civilization, the case would be better; but this cannot be done.

Forty centuries of Chinese life has made the Chinaman what he is. An eternity of years cannot make him such a man as the Anglo-Saxon. It is as impossible to bring the Chinaman up to the American standard as it is cruel and wicked to risk, by any experiment, the degradation of the American laborer to the Chinese standard. The experiment now being tried in California is to subject American free labor to competition with Chinese servile labor, and so far as it has gone it has put in progress the displacement of American laborers, and the substitution of Chinese for white men. This process will continue, if permitted, until the white laborer is driven out into other fields, or until those who remain in the contest come down to the Chinese level.

As illustrative of this process, I will submit the following undeniable facts. In San Francisco the Chinese began some fifteen years ago to enter the manufacturing establishments as operatives, then operated entirely by white people. They were dexterous and apt, and the work of displacement of the whites went steadily on. Wages were cut down, and still the Chinese underbid the white man, and in some of the factories the whole number of white employes were supplanted.

The more intelligent Chinese, who had learned the art and business in which they had been employed, began a co-operative system of Chinese manufacture, and numerous factories sprung up, carried on wholly by Chinese in competition with their old employers. Chinese proprietors imported laborers from China, who came under contracts for a term of years, as they all come, and worked out their passage money at the wages paid in China, three or four dollars per month. For example, I will cite the manufacture of boots and shoes. The number of boot and shoe factories now in San Francisco is 60. The number carried on by white proprietors is 12. The number carried on by Chinese is 48. The number of slipper factories is 50; all carried on by Chinese. The number of Chinese employed in making boots, shoes, &c., is 5,700. Number of white people so employed is 1,100.

Mr HOAR. I wish to ask the Senator if he has one statistical fact, in connection with the very interesting one which he has stated, that the wages of the white persons employed in those factories where they still employ white persons range at a rate higher or lower than the corresponding wages of Chinese in the same employment?

Mr. MILLER, of California. I cannot give the ratio.

Mr. HOAR. Of course I ought not to intrude in the Senator's argument, but the reason of my putting the question was that I have been furnished with some statistics to show that in the occupations where Chinese labor was employed it is still true that the wages of the white employes are much larger than the corresponding wages of the Chinese.

Mr. MILLER, of California. That may be. That would be the case in all branches of labor. You must remember that wages were very much higher. The point is, that wages have been constantly going down, and are still on the downward grade. Probably they may go down lower. I fancy that the Chinese can come in competition with your laborers of the East, and bring wages down to one quarter what they are in Massachusetts.

The statistics of the manufacture of cigars in San Francisco are still more suggestive. This business was formerly carried on exclusively by white people, many hundreds finding steady and lucrative employment in that trade. I have here the certified statement from the office of the collector of internal revenue at San Francisco, showing the number of white people and Chinese, relatively, employed on the 1st of November last in the manufacture of cigars. The statement is as follows:

Number of White men employed	493
Number of white women employed	170
Total whites	663
Number of Chinese employed	5,182

The facts of this statement were carefully ascertained by three deputy collectors. The San Francisco Assembly of Trades certify that there are 8,265 Chinese employed in laundries. It is a well-known fact that white women who formerly did this work have been quite driven out of that employment. The same authority certifies that the number of Chinese now employed in the manufacture of clothing in San Francisco is 7,510, and the number of whites so employed is 1,000. In many industries the Chinese have entirely supplanted the white laborers, and thousands of our white people have quit California and sought immunity from this grinding competition in other and better-favored regions.

It is a necessity of the civilization of the white people of the Pacific, as it is here, that labor shall have a reward sufficient for the comfortable maintenance of families, the education of children, the cultivation of refinement in manners and morals, the sustenance of the physical organism by sufficient nutrition, and to enable the laborer to have that degree of leisure necessary for intellectual expansion. The Chinese in California generally have no families to support or educate; their wants are few, and the requirements of their civilization demand but a meagre outlay. The contest is unequal. It ought not to be permitted to proceed. Under such conditions as exist in California the purchasers of labor, the rich and independent employers, are aggrandized, and the laboring class is impoverished and degraded. The rich grow richer and the poor grow poorer.

If this system is extended into the States of the East, (and there are Chinese in all the States now but two,) the same result will follow, for the Chinese will thrive just as well in the older States as in the new. The margin between the rate of wages to which the Chinese have been accustomed, or upon which they can flourish, and the rates which your laboring people of the Eastern States

receive, or must have to live, is wide enough to tempt millions of these orientals into so rich and promising a field. I here invoke the application of the protective principle for the benefit of American labor on the Pacific coast, and for the ultimate benefit of American labor in all the States. You protect American industry here in these States by high tariffs upon the importation of foreign manufactures. This you do to protect the American laborer from competition with what you call the cheap pauper labor of other lands. In California our white laborers are forced into competition with a cheaper labor than the "pauper labor of Europe," and that, too, with the worse than "pauper" laborer himself on the ground. You tax the product of European cheap labor for the protection of the American laborer from low wages. In California the cheapest laborer of all the world is admitted free to compete with our American laborers directly. The Chinese can thrive in America on lower wages than will afford the "pauper" laborers anywhere in Europe a mere frugal subsistence. And in this connection I venture to say, and I hope without offense, that if a speech shall be made in the Senate in opposition to Chinese restriction, I shall not be surprised if it be made by a protectionist. Not perhaps by a protectionist who advocates high tariff primarily for the protection of American laborers from low wages, but for the protection of what he calls "American industry;" which is a convenient and comprehensive phrase. It includes and is intended to be descriptive of other interests than those of labor; interests which a certain class of political economists in this country regard as paramount to all others in the adjustment of tariff laws.

The average American manufacturer is interested generally in two things, namely, the highest protective tariff, and the cheapest labor. If he can secure these all else desirable speedily follows. The first he has secured; the second he can readily obtain through unrestricted Chinese immigration if this measure shall be defeated. It is not difficult to perceive the origin of that political economy which suggests high protective tariffs, and at the same time advocates the admission of servile laborers into the country without limit It means high prices for the products of manufacture, and low prices for the labor which produces them; the aggrandizement of capital and the debasement of labor; greater wealth for the wealthy and greater poverty for the poor. But it has been said that all the arguments we make against the admission of the Chinese coolie into direct competition with our free American laborer apply with equal force to the immigrants who come from Europe, and that most of the objections we make against the Chinese apply to immigrants from beyond the Atlantic, particularly the Irish. Now, if this were true it would furnish no argument in favor of the introduction of Chinese. It might be an argument against the European immigrants, but it is not true.

European immigrants are men of the like mental and physical characteristics of the American laborer. They are of the same or a kindred race, trained under a like civilization, with similar aspirations, hopes, and tendencies. Their wants and necessities are the same, and they conform their habits, methods, and manners to those of the people by whom they are surrounded. The requirements of their social condition expand with their improving fortunes. They assimilate with American society and become a part of the American people. The competition in the field of labor between such men and the American is a contest between equals. While the European immigrant augments production he becomes a liberal consumer. The Chinaman clothes himself in cheap imported fabrics, and his principal article of food is imported rice. The European immigrants build homes, rear families, and surround themselves with the luxuries and refinements of modern life. The Chinese take shelter in the hovel, or mass themselves in houses like swine in the sty, and send their wages to China. The accumulations of the European immigrants remain in the country and swell the aggregate wealth of the nation. Moreover, they are free, independent men, who control their own labor and their own destiny. They soon become the earnest defenders of free institutions and republican government. They unite their fortunes with ours, enjoy our prosperity, and brave our disasters They stand shoulder to shoulder with us in battle for the defense of the Republic and the maintenance of the national honor.

The Chinese come as a servile people and are held while in the country in a bondage of fear by the "Six Companies," by whose will their labor is controlled and directed. The manner of their coming and the character of this bondage is best explained by the correspondence of Mr Bailey, consul at Hong-Kong, with the State Department, under date of April 25, 1871. He says:

The subject of Chinese emigration from this port to the United States has claimed my careful thought and patient investigation for the last four months, with a view to get at the facts, and to understand it in its surroundings and bearings. The whole subject is an anomaly. Rules that will do elsewhere in the world, when applied in considering questions of immigration, have no application to Chinese immigration to the United States. Immigrants to America from other parts of the world go of their own volition, free and voluntary. Emigration from China to all parts of the world is an organized business or trade, in which men of large capital and hongs of great wealth engage as a regular traffic, by which men are bought and sold for so much per head, precisely as a piece of merchandise is handled, at its market value. The poor laborer of Europe applies his own scanty means to get to the land of promise, or is assisted by his friends, charitable societies or benevolent institutions to reach a place where he hopes to have his toil properly requited, where his labor will inure to his own benefit. The coolie of China is bought by the rich trader to serve his purchaser at low wages for a series of years in a foreign country, under contract for the faithful performance of which in many instances he gives a mortgage on his wife and children, with a stipulation that at the end of his term of service he is to be brought back to China by his purchaser. This contract is sold by the dealer through his agents in the United States and elsewhere at a large advance, and is a source of great profit to the capitalists who have the means to buy and sell large numbers of men. This contract in the United States is no doubt null and void, but nevertheless the coolie will comply strictly with all its terms, a copy of which in Chinese characters is always in his possession, and this he will do because his purchaser holds his household *lares* in the land to which he always hopes and expects to return in pledge for the faithful performance of his bonds. The central idea of the Chinaman's religion, if he has any religion at all, is that of the worship of the tombs of his ancestors. The superstitions of Fung-Shuey dominate him wherever he may be in the world. The subtile mysticisms of China, so strangely governing all its people in their social, political and quasi religious life, are as a hook in his nose, by which his purchaser controls him at all times and in all places; and thus this relation of master and quasi-slave, no matter how many miles apart, is wedded by the mystical links of religious superstitions, family ties and rights of ancestral tombs, which control and regulate the reciprocal duties of trader and coolie in the home-land.

The means of obtaining coolies are as various as the ingenuity of man can devise, and are as corrupt as the incentive to large gains can stimulate and invent. Men and boys are decoyed by all sorts of tricks, opiates and illusory promises into the haunts of the traders. Once in the clutches of these men dealers, by a system of treachery and terrorism connived at by the local Chinese authorities, whose chief business in life is to "squeeze" the people, the stupefied coolie is overawed into making a contract under such Chinese influences and surroundings as to give it a sacredness of character nowhere else known in the world. From that moment he is the mere tool of the rich dealer wherever he may go. It is difficult for persons accustomed to western civilization to understand the depth and extent of this relationship; but Chinese civilization is unique, perhaps opaque, and cannot be measured by that of any other.

This is the testimony of many writers and travelers in China, and is evidenced very fully in the report made to Congress by the joint Congressional Committee, and also in the report made in the California Senate in 1877. Such are the Chinese who are called "immigrants."

We of the Pacific coast have tried all varieties of men as "immigrants," and our experience suggests a warm and generous welcome to our shore of the German, the Irishman, the Scandinavian, the Italian, and all who come from beyond the Atlantic; but of Chinese we have enough, and would be glad to exchange those we have for any white people under the sun. It has been urged, however, that we have no right to discriminate against the people of any race or nation who desire to come to the United States, and that it has been the uniform policy of our Government to welcome the men of all races and nations to our shores. To this I answer, that in respect of the Chinese, our Government has agreed with China that we may discriminate as against a certain class of her people. That settles the question of right as between the United States and China. I know that it has been said that the right of expatriation, as interpreted by certain American publicists, carries with it the right of settlement, by those who expatriate themselves, in any country and among any people they may choose, without the consent of the nation into whose territory they may go. By this new theory the right of expatriation is exalted into a higher law than treaties or constitutions. I do not regard it as necessary or profitable to enter into a discussion of this doctrine at this time.

The right and power of a nation to protect itself against the introduction of any class of immigrants or invaders whom it may regard as either dangerous to its peace and happiness, or undesirable from any other cause, has not been questioned by any jurist or writer, on international law, of eminence, or who is recognized as authority. Self preservation is the foundation principle of the constitution of nations. The law of self-preservation, if not the higher law, antedates all other human laws, and is instinctively recognized by all peoples as a fundamental law of national life. A people deprived of the power to exercise the right of self preservation cannot be said to be a nation. Now, as to the policy of this Government in respect of immigration. Is it true that the invitation has been general, without discrimination as to the varieties of men who have been encouraged to come? The naturalization laws of a nation illustrate its policy upon the subject of immigration. When these are lib-

eral immigration is encouraged; when they are stringent and obstructive immigration is discouraged and not desired.

In the days of Rome's greatest power, no foreigner could be naturalized unless he had rendered eminent service to the Roman state, and then only by a vote of the senate. In the prosperous days of the Athenian republic no foreigner could become a citizen of Athens except by a vote of the electors twice had, and then only in case the applicant received over 6,000 votes at the second election. After destructive wars had depleted the armies of both these nations, and immigrants were desired to re enforce their ranks, the rigor of the naturalization laws was relaxed and citizens were made of foreigners almost without limit So in all countries; the encouragement given to immigration is measured by the state of the naturalization laws. The Chinese, and other oriental colored people, have never been encouraged to come by our naturalization laws. They never could upon any conditions become citizens of the United States under our laws. The policy has, therefore, been a policy of discrimination as practiced by our Government, and not only so, but a discrimination against particular races! Was it without reason? There was and is not only this race discrimination against the Chinese in our naturalization laws, but also in the treaty with China known as the Burlingame treaty, which contains an express provision against the naturalization of Chinese in the United States. This was and is notice to all Chinese that they would not and will not be admitted upon the terms accorded to immigrants from European countries.

In dealing with any other people such a notice would have discouraged immigration. But why this discrimination against the Chinese? It was because they are unfit for the responsibilities, duties, and privileges of American citizenship. This is the declaration of your naturalization laws. That they never will become fit for American citizenship is proven by the experience of thirty years on the Pacific coast. What, then, is to be the status of a race of men who form a considerable part of the population of a State, and are unfit for and not admitted to citizenship? The presence in this country of a great number of people of an alien race, who do not and cannot assimilate with our people, and who are so hardened and fixed in their habits and characteristics, so inflexible in all their methods of life, and who practice a civilization so utterly antagonistic to ours that they are unfit to exercise the rights of citizenship, must of necessity always be a disturbing element. If they should be admitted to citizenship, then there would be a new element introduced into the governing power of this nation, which would be the most venal, irresponsible, ignorant, and vicious of all the bad elements which have been infused into the body-politic; an element disloyal to American institutions, inimical to republican liberty, scornful of American civilization, not fit for self-government and unfit to participate in the government of others—a people destitute of conscience or the moral sense. In every State wherein the Chinese might secure domicile there would be a mass of voters sufficiently numerous probably to hold the balance of power in elections, who would be for sale to the best bidder. They would esteem the suffrage only for the money they could make out of it.

I need only suggest such a condition of affairs to convince any thoughtful man that no greater evil could come upon the Republic than this. And if the Chinese are permitted to come and reside in the United States; to become denizens of our cities and the occupants of our lands; if by any action of Congress they are invited to come and form a part of this nation, on what grounds will American citizenship be denied them? If they are free men, and are to remain free, and are fit to dwell among our people, will not the sentiment which admits them demand for them all the rights of citizenship? We have a notable example before us. The same reasons which induced the enfranchisement of the negro would be sooner or later urged with the same effect for the enfranchisement of the Chinese. But whether they remain pariahs or are made citizens they add a new peril to free government. In California the number of men capable of bearing arms or entering an army is about equally divided between the Chinese and the white people.

If this condition existed in the other Northern States of the Union, is it to be imagined that no race conflicts would ensue? Could free republican government be long maintained without such conflicts? Under such conditions, to admit the Chinese to citizenship would be to begin the wreck of the Republic. Elections would become a series of tragedies. The end of all would be a spectacle so inexpressibly sad, so awful and terrible as to at once grieve and horrify the lovers of liberty and of peace and of justice throughout the world.

There has sometimes appeared in the discussion of this subject a hazy sort of

theory that it is unjust or illiberal to discriminate against any race or variety of men who seek residence in this country. Now, in this time, when more than half the world of men are turning their eyes to this virgin land of plenty, and are moving in upon us by millions, I believe that the national safety demands an intelligent discrimination, and that it is not only just and wise, but humane to keep the bad sorts out. The time for a judicious sifting process has come, and I would sift out the Chinese laborers first; not alone because they are laborers, but because they are unfit, always were and always will be unfit, for American citizenship. If the domain of this nation were large enough to furnish homes for all the myriad peoples who desire to come, and for their posterity, and our system of government were so flexible as to fit and cover all possible conditions, and strong enough to meet all possible contingencies; if the power of assimilation were sufficient to digest and corporate all races and sorts of men into one homogeneous people, then objection might be made against any discrimination in respect of the varieties of men who are crowding in upon us from the east and from the west. But this is not so. We are already a nation of 50 000,000. The country is now stocked with an intelligent, vigorous, and civilized people, in more than necessary or desirable variety as to races. There is no need of immigration for the settlement or development of the country.

Malthus cites the people of the United States as people who, by natural increase alone, are capable of doubling their population every twenty-five years. Such a people, under favorable conditions as to space, food and shelter, all writers upon this subject, such as Adam Smith, Voltaire, Macauley, Buckle, agree will double their numbers at the most every thirty years. Our census reports are suggestive of thought in this connection. Making all due allowance for war, pestilence and other extraordinary causes of destruction to human life, the population of the United States should be in 1915 not less than 100,000,000, and in 1950, 200,000,000, without the aid of immigration and so on in the same ratio until the increase of human life in this country should be limited only by the means of subsistence.

Within one hundred years, which ought not to be regarded as a very long period in the life of a nation, the question of subsistence will be the "burning question" of the time, even though not another immigrant should ever land upon our shores. Why not, then, make selection among the millions who are coming to us and receive the best, those who are most easily assimilated and who become homogeneous with our people? Why not discriminate? Why aid in the increase and distribution over the surface of our domain of a degraded and inferior race, and the progenitors of an inferior sort of men, to the exclusion of the highly civilized, progressive man of our own race? It is not numbers that are needed; quality is of more importance than quantity. One complete man, the product of free institutions and a high civilization, is worth more to the world than hundreds of barbarians.

Upon what other theory can we justify the almost complete extermination of the Indian, the original possessor of all these States? I believe that one such man as Washington, or Newton, or Franklin, or Lincoln, glorifies the Creator of the world and benefits mankind more than all the Chinese who have lived, and struggled, and died on the banks of the Hoang Ho. But it is said that in order to extend the benefits of republican government and free institutions to other peoples, we must admit to citizenship in this land men of all races and classes without distinction. I believe that the surest way to popularize and extend the blessings of civil liberty, free government, and American institutions is by example. Let us keep pure the blood which circulates through our political system; dignify, ennoble and exalt our sovereign—the people; preserve our national life from the gangrene of Oriental civilization; foster American institutions in their grandeur and purity; continue to educate and develop the intellect and elevate the morals of the nation; in fine, let our civilization be progressive and make free government in the United States a perfect success, and an example will be furnished the world which will light the fires of liberty in every civilized land.

The matter of supreme importance to us and to the cause of liberty everywhere is the preservation and maintenance of free, intelligent, honest pure, and successful government of the people, by the people in these United States! This demands the highest statesmanship and the most lofty patriotism, and it can never be effected by the degradation of American labor, the debasement of our civilization through the injection into the body-politic of a poisonous, indigestible mass of alien humanity, or the admixture of antagonistic races. If the object were to destroy our political system, to render free government impossible, then it would be rational and consistent to permit the riff-raff of the nations to be dumped into

our streets and upon our lands without restraint; to import great hordes of servile laborers, whose competition with the free American voter will break down our social economy by the destruction of the industrial system which sustains it; to give welcome to ignorance, vice, and crime; to substitute the Temple of Joss for the Christian Church, and the worship of Chinese gods instead of the worship of the God of our fathers. These are the means which the enemies of free government might well employ.

When in the progress of unlimited immigration this country becomes well filled with Chinese; whose scouts and spies are now in every city and town in all the States, giving information to their masters who are conducting this oriental invasion; when our cities are festering with the rot of their civilization; when our towns are filled with alien thieves, and our lanes are trodden by an interminable line of vagabond tramps; when the American laborer, overwhelmed, discouraged, and disgusted, is compelled to either abandon his native land or take refuge in the hovel, too poor to send his children to school; the youth of the masses growing up in ignorance, their young lives crushed by grinding toil for the means of subsistence, what then will be the prospect for the permanence of free government?

History teaches no lesson with greater clearness or persistence than this: that nations once powerful have degenerated and gone into decay, generally, in consequence of, and in proportion to, the admission and incorporation into their bodies-politic of inferior or heterogeneous races; and this we may apply with peculiar fitness to a nation like ours, whose government is a government of the people. Debase the people and you degrade your sovereign. Can it be possible that we who stand here, fresh from a conflict engendered by the effects of that policy, which in the morning of our national career, permitted the introduction into this country of an alien and servile race; our memories burdened with the horrors of that long agony of internecine war; our wounds scarcely yet healed; in full view from our windows of the graves of a hundred thousand heroic dead who fell in the struggle; the sad faces of many widows and orphan children reminding us wherever we turn of the anguish and suffering innocent souls have been made to feel; can it be possible, I repeat, that we shall longer permit a like policy to prevail, and tempt heaven or fate to scourge our posterity as we have been scourged for the mistake of our fathers?

To those who believe that there is no danger of any general disturbance of our social economy or political system by the introduction of Chinese upon the Pacific coast, I beg to suggest that the evil is already upon us there; the conflict is in progress, and we ask for the relief which this measure is intended to give for the Pacific coast alone, if in your opinion it is not necessary to save the whole country from the evils of which we complain. We invoke the protection of the national Government from an invasion which we ourselves are not permitted by the Constitution to repel If the people of California were free to act, you would not be troubled here by the consideration of the Chinese question. They would have settled it long ago, not arbitrarily, nor in a frenzy of passion, but peacefully, humanely and by law It must be apparent now that our people believe that our fair State and the whole Pacific coast is in the presence of a great and to you a strange peril; and we further believe that those things which endanger our peace and prosperity in some degree affects the tranquility of the whole nation.

I make this appeal in behalf of a grand people, generous, loyal, brave, enterprising and intelligent. They are a part of the great American people; they are your brethren. They went out over the trackless plain, the dreary desert, or else sailed over stormy seas, from New England, from New York, from Ohio, from the great empire of the Northwest, from the sunny South, from every part of every State in this glorious Union of States. There, in the once far off land of California, they have made the conquest of nature. They are laying the foundations of empire there, and they are laying them strong and deep. They are forming and building up American institutions based upon Anglo-Saxon civilization. They have seen and understand that there can be no stability to their institutions and government unless based upon one civilization. Government is the product of civilization. It is evolved from the civilization of the people who ordain it. Free government cannot be maintained permanently in any country in which there exist two divers and antagonistic civilizations of nearly equal strength. They operate as antagonistic hostile forces, and one or the other must have the ascendency.

If the civilization of a people changes, the government must change to conform to it. In California Chinese civilization in its pure essence appears as a rival to American civilization. It is the product of a people alien in every characteristic

to our people, and it has never yet produced and never can evolve any form of government other than an imperial despotism. Free government is incompatible with it, and both cannot exist together. We ask of you to secure to us American, Anglo-Saxon civilization without contamination or adulteration with any other. We make our appeal within the spirit of the Constitution of the United States in its highest interpretation. Its framers declared that it was—

Ordained to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

In order to insure general tranquillity, peace and good order must be secured to every part of the country; to provide for the common defense involves the protection of every part; to promote the general welfare the rights and interests of every section must be guarded; to secure the blessings of liberty to ourselves and our posterity, our free republican government must be maintained and administered in every portion of our land, and made permanent by keeping pure and uncontaminated the progressive civilization which gives it life and being. If you ask me how we may best "insure domestic tranquillity and promote the general welfare" on the Pacific coast, I answer by passing this bill and enforcing its provisions to the letter. China for the Chinese! California for Americans and those who will become Americans!

If you would "secure the blessings of liberty to ourselves and our posterity," there must be some place reserved in which, and upon which, posterity can exist. What will the blessings of liberty be worth to posterity if you give up the country to the Chinese? If China is to be the breeding ground for peopling this country, what chance of American posterity? We of this age hold this land in trust for our race and kindred. We hold republican government and free institutions in trust for American posterity. That trust ought not to be betrayed. If the Chinese should invade the Pacific coast with arms in their hands, what a magnificent spectacle of martial resistance would be presented to a startled world! The mere intimation of an attempt to make conquest of our western shore by force would rouse the nation to a frenzy of enthusiasm in its defense. For years a peaceful, sly, strategic conquest has been in progress, and American statesmanship has been almost silent, until the people have demanded action

The land which is being overrun by the oriental invader is the fairest portion of our heritage. It is the land of the vine and the fig tree; the home of the orange, the olive, and the pomegranate. Its winter is a perpetual spring, and its summer is a golden harvest. There the northern pine peacefully sways against the southern palm; the tender azalea and the hardy rose mingle their sweet perfume, and the tropic vine encircles the sturdy oak. Its valleys are rich and glorious with luscious fruits and waving grain, and its lofty

Mountains like giants stand,
To sentinel the enchanted land.

I would see its fertile plains, its sequestered vales, its vine clad hills, its deep blue canons, its furrowed mountain-sides, dotted all over with American homes —the homes of a free, happy people, resonant with the sweet voices of flaxen-haired children, and ringing with the joyous laughter of maiden fair—

Soft as her clime, and sunny as her skies—

like the homes of New England; yet brighter and better far shall be the homes which are to be builded in that wonderland by the sunset sea, the homes of a race from which shall spring

The flower of men,
To serve as model for the mighty world,
And be the fair beginning of a time.

The Sun Book and Job Printing Office, Baltimore.

REMARKS OF HON. J. E. CLAYTON,

ON THE CHINESE QUESTION.

Delivered in the Assembly Chamber, on the 18th of April, 1855.

Mr. Speaker:—I arise to explain in a few words my position upon the great problem before us; viz: the disposition of the Chinese, and other foreigners of the same class, who now reside amongst us. It has been my practice, sir, to sit and listen to others who by their education and talents are more fitted for debate, and who are in the habit of addressing large assemblages, and can speak their thoughts with eloquence and fluency.

But upon this subject there is such a vast difference of opinion amongst our ablest statesmen, both in principle and detail, that I cannot forbear expressing my opinions and the conclusions that I have arrived at in my humble way. All are ready to admit that an unrestricted immigration of this class of persons to our shores, would be a great social and political evil, and one that must be speedily provided for; but when we come to propose the remedy we differ as to the best means of affecting the object desired. Some propose to levy a heavy tax or toll upon all persons of this class who may arrive in our ports. Others propose to compel them to give heavy bonds without the privilege of commutation; while others believe that an exclusion of this class of persons from the mines will most readily effect the object sought.

I propose, sir, in a brief manner to examine the various opinions and plans as presented by members on this floor; and I will here state that in my humble opinion, any and all the plans proposed are legitimate and constitutional, and under pressing circumstances may all be put in force without subjecting us to a charge of injustice or oppression for so doing. Under our present circumstances it is our duty to examine *well* the extent of the evil complained of, and adopt a line of policy that will effect the object desired without subjecting ourselves to a charge of injustice and needless oppression.

The Chinese are in our midst, and all know the object of their coming; all know when and how they came—all know that they swarm in our towns and make night hideous with their senseless jargon. You can hear their cackling, squeaking notes in every gulch and ravine in our mountains—and all know that the great hive from which they come swarms with myriads more of the same sort. Go look along your streets and alleys, you will see their prostitutes stuck into every hole and corner—and are as completely under the control of their masters as though they were not in a free land—and are bought and sold in the market like dumb brutes. The Chinese come not here sir, because of oppression at home; they come not here to learn our religion or laws; neither do they come to make themselves homes among us. No, they come to dig our gold; that gold sir that we have purchased with the blood and sweat of our own people at an immense cost; that gold, sir, that properly and legitimately belongs to the hardy sons of toil that were born under our fathers' roofs, and were nursed by our own mothers. Shall these aliens whom God and Nature never intended to be our equals, come in and take this rich inheritance for a mess of pottage, and leave our brothers penniless? God forbid that we should ever be so unjust.

The first proposition before us is to levy a tax or toll sufficiently heavy to stop the farther immigration of the Chinese to this country; this plan has many strong reasons in its favor; it proposes to meet them at the threshold and

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say to them, you have no rights here beyond those of commerce, you cannot be received upon terms of equality, and must in no case trespass upon our property. We are under no obligations to you, and therefore you have no claims upon us, either nationally, socially, or politically. It in effect says to them, you must stay at home and cultivate your teas, and manufacture your silks and wares, and we will give you our gold and manufactures in return. In pursuance of this policy the question arises, what amount of tax will be sufficient to effect the object? Some think fifty dollars is enough, others place it as high as two hundred and fifty per head. My own opinion is that if they are allowed the privilege of working our mines, they should be taxed at least two hundred dollars, which added to their passage money, would make the cost of getting here, something like equal to the cost to our own people who arrive here; and does any friend to his country think it just that the Chinese should be allowed to come to this State any cheaper than our own people? if so, we might stand with our fingers in our mouths, until the Chinese would take the country. We should at least be upon an equality with them in this particular. I Sir, am in favor of making it cost a Chinaman double what it costs an American to get to this State, and I think a large majority on this floor are ready and willing to make a *large* discrimination in favor of our own people. The passenger laws should be amended so as to stop the increase of this class of people among us, who, in a social and political capacity are *worse than worthless.*

The second proposition Sir, is the one proposed in the bill before us. It proposes to exclnde all persons of foreign birth who are not eligible to citizenship, from the privileges of owning or working the mines in this State. It is believed by many that this will be the most effectual plan that we can adopt, to prevent the undue immigration of this class of people to this country, without injury to our commerce. To work the mines is certainly the great object for which they come, and if they are denied this privilege, there is but little inducement for them to come to a country where they are sure to be treated with ridicule and contempt. None but a Chinaman can understand or appreciate the Chinese; the lowest digger Indian looks upon them with utter scorn, and looks forward with great satisfaction to the time when the *Americana* shall have dug out all the gold and returned to his far off home, so that he can have a chance to clean out and exterminate these far away Indians, that they so much despise.

This bill Sir, has been denounced as exclusive and oppressive, but I think it will compare favorably with the plan just named, of levying a commutation tax. That plan, sir, not only excludes them from the mines, but excludes them from all and every privilege in the State, and is, strictly speaking, an exclusive policy. The plan proposed by the bill only denies them *one single privilege.* It says to the poor Chinese and those of his class, in similar language to that used by God to our first parents, "of all the good things of this beautiful land thou mayest freely partake, except our gold mines, and in them thou shalt not dig, and in the day thou disobeyest this law thou shalt surely be driven from the land."

Is there any thing unreasonable in this? If the mines belong to our people, have they no right or power to protect their property? The law requiring them to pay a license for the privilege of working the mines, is ample proof of the fact. Then if the mines belong to the American people, they have the right to refuse to rent them to aliens of *any* and *every* class.—If I have a farm and choose to *pasture* all that portion that I cannot at present cultivate myself, has any one the right to complain? I, for instance have a large family of hardy boys growing up around me that will soon want farms—would it be just for me to allow strangers that care not for me or mine to occupy the lands, that properly belong to my own children? If gentlemen complain that to exclude them *now* is a hardship, what will they say after they have occupied the land for a term of years? Why, sir, I apprehend that the next cry would be that as they had been allowed to occupy them so long, they now had the best right to them, and I would be compelled to look some where else for a settlement for my children.

We have many instances of the injustice of such a principle in this country in the settlement of squatters on lands that properly belong to others, and some go so far as to contend that after they have occupied and improved these lands, they then have the best right to them.

The doctrines of squatter sovereignty, and squatter rights, are frequently misapplied and misunderstood. The General Government has the control and management of the public domain—the people of the United States are the *owners* or *heirs* to this property, and the Government is the *guardian and agent* of the people by their *own* appointment. Our right as citizens to occupy and improve a given portion of the public lands, has always been conceded. the Government only regulating the *manner* of acquiring an *absolute* title by the actual settler. But can any one for a moment contend that *aliens* have any inherent rights in *our soil?* especially those who cannot by our laws become citizens? The proposition is too absurd to need a reply. You might as well tell me that my neighbors children have an eqal right of inheritance to my property with my children, when the laws of God and man have always declared that my own legitimate children are the sole heirs.

I now propose to examine in a brief manner the policy proposed by my esteemed friend (Judge Stevens of Calaveras) as set forth in his minority report. He pictures in glowing colors the importance of the Chinese trade, and in effect tells us, that the only way to secure this profitable commerce for our merchants, is to admit this class of people amongst us upon terms of equality. For a complete

refutation of this position, I will simply refer you to the history of the past. Of all the long list of nations that have at various periods monopolised this trade, not *one* of them has ever found it necessary to admit her surplus population

The gentleman says in his report, that "In vain may we expect this profitable commercial interchange for our merchants with China and Japan, if we *exclude their people*, and others of the *same class*, from our shores" This is certainly a broad declaration, and remarkable as broad, and stands out in bold relief against the recommendations made by the gentleman in other portions of his report, which is to the effect that we must check the farther progress of the evil by levying a commutation tax, that will amount to an exclusion. Now, sir, I wish to point out the inconsistency of the arguments used by my friend of Calaveras, and also to show that the bill under consideration is not so exclusive as he endeavors to make it appear. He admits that the farther progress of the evil must be arrested—and how does he propose to do it? Why, sir, by levying a tax that will exclude them from *all* the privileges of the country. If, sir, his plan does not amount to an exclusion, it would be a farce, and would not amount to any thing. The bill under consideration only proposes to exclude them from *one single privilege*, and it is straightway denounced as a monster of *injustice* and *oppression;* but we are not so unjust and exclusive as the gentleman would have us appear, and I challenge a comparison between this bill and the plan proposed by the gentleman himself, and I think that any man of ordinary perceptions will readily see, that if his plan means anything, it will exclude this class of people from *all* privileges in the country; and our plan only proposes to exclude them from *one single privilege!*—a wide difference, truly! and yet the gentleman raises his *warning* voice and tells us "to pause and reflect well before we pass a law so monstrous in its provisions, and so suicidal in policy.

So do I raise my "warning voice" to this house and to the country, to "pause and reflect well" before you *admit* this class of people to the enjoyment of the *privileges* that have cost us so much blood and treasure.

I find another passage in the gentleman's report that does an *implied* injustice to this bill—he says, "how necessary it is to the development of our wonderful resources, for us to pursue all *honorable* exertions in the acquisition of this trade, by pursuing a just, liberal and enlightened policy towards China, instead of resorting to acts of *cruelty and oppression in driving them from our shores after having invited them.*" To what?—to come and dig our gold? No, *Invited them to live among us?* No such thing; but says "after having invited them to *a reciprocal interchange of commercial relations.*" Well, sir, I apprehend that if the argument is good for anything, it is good against the gentleman's own position. It certainly cannot apply to this bill, for it does not relate to our commercial relations with China.

Now, sir, gentlemen speak of our commercial relations with China as though a part of the compact was to provide for the admission of their people to this country, which is not the case. There is nothing in our treaty stipulations that ever contemplates such a *contingency*. We have asked of them freedom of commercial intercourse, and they have granted us the *privilege* of buying tea at certain ports; but they have not granted us the privilege of going to their country to cultivate the article for ourselves, and no government could, in justice, demand such a *privilege*. They have granted us the privilege of going to certain ports and buying their silks and wares, but they are too shrewd, and understand their *own interests* too well to allow us to go there and manufacture these articles for ourselves; and we, sir, cannot ask such a *privilege* The Chinese want our gold, and we want their teas, silks, and wares. Then let us dig our gold, and buy of them such articles as our people want. We cannot afford to let them come and dig our gold; neither can they afford to let us go to their country to manufacture or cultivate the articles that we want of them.

If the Chinese have any natural or artificial advantages over us, it is *their* good fortune, not *ours*. If we have any natural or artificial advantages over them, it is *our* good fortune, not *theirs*, and it is our true policy to keep those advantages instead of throwing them away.—It is therefore apparent that a free *commercial* intercourse, and a joint occupancy are two very different things; the one *fosters* trade and commerce, and the other obliterates *all national* distinctions, and tends towards an *amalgamation* of the different RACES of men, and the consequent destruction of the great distinctive features of the Anglo-Saxon race.

There is another view of this subject, sir, that commends itself to the careful consideration of every true friend of his country, and of his race. I mean, sir, the injurious effect that the admission of this class of foreigners will have upon the *price of labor*. The hardy sons of toil who have the right to call us brothers, look to *us* for protection against the *countless hordes* of the laborers of China that are hovering like a black, portentous cloud along our western horizon. I call upon you, sirs, in the name of the laboring poor of our land; I call upon you in the name of future generations, to come at once to the rescue, and turn aside the storm that threatens to overwhelm the best interests of our laboring class.

Look, sir, to the dark cloud that hangs like a funeral pall over the destiny of the Southern Atlantic States, and say who is to blame for the condition in which they are placed? Is the present generation, who are compelled as a matter of self-preservation and humanity, to keep the African bound in chains of slavery, to blame for the present condition of things? No, sir. It was the capitalists of England that fastened the curse upon the country. They little dreamed that the temporary advantage derived from the introduction of the African, would become so great a curse to their chil-

dren. The little cloud, no bigger than a man's hand, has grown and spread itself till it has filled our land with darkness, and the low rumbling thunders of disunion are heard to mutter their solemn warnings of the impending storm, and the forked lightning of civil discord ever and anon gleams fearfully around our devoted heads, and makes the heart of every true American tremble within him for the safety of our unity and freedom.

Why, I ask, has this great evil come upon us? The question, sir, is easily answered.—Our fathers had a boundless wilderness to subdue, and labor was scarce. The same reasons that induced us to admit the Chinese, induced them to admit the African. It was not a permanent good that was sought, but merely a temporary advantage. Shall we, for considerations of so trifling a character; from considerations of mere temporary convenience and advantage, be so recreant to the cause of labor, and to the best interests of posterity, as to allow the farther progress of a policy that will fasten upon us a system of slavery that in many respects will be more degrading in its character than the slavery of the South? God forbid it.

With so many grave examples before us, we should act the part of wisdom, and meet this question *now*. Our laboring classes demand it of us; the best interests of our children demand it of us; the fair fame of our young State, demands it: the cause of humanity and good morals demands it; the cause of freedom and good government—*all* demand it. Then let us act promptly, and meet this question *now*.

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REMARKS

OF THE

CHINESE MERCHANTS

Of San Francisco,

UPON

GOVERNOR BIGLER'S MESSAGE,

AND SOME COMMON OBJECTIONS;

WITH SOME EXPLANATIONS

OF THE

Character of the Chinese Companies,

AND THE LABORING CLASS

IN CALIFORNIA.

Lai Chun-Chuen

SAN FRANCISCO:

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NOTICE.

THE ensuing "REMARKS UPON GOV. BIGLER'S MESSAGE," was written in his own language by LAI CHUN-CHUEN, a Chinese merchant of this city, connected with the respectable firm of CHAI LUNG. It was prepared in behalf of the subscribers to the *Hak-sheung Ui-kun*, or "Chinese Merchants Exchange," with which are connected their most influential and intelligent men. It has been rendered into English, paragraph for paragraph, and sentence for sentence, in the same order, and with no more variation from the style and idiom of the original, than the rules of good translation require.

The articles on the Companies have been prepared from facts carefully collected from responsible men connected with them, for the purpose of explaining to the American people their true nature. The mistaken notions, that they are commercial associations, that they have been engaged in the importation of laborers, and that the majority of the Chinese are "coolies," by which is meant a sort of peons or slaves of a degraded caste, working for the benefit of others, have done more than all others causes to bring these immigrants into disrepute, and to involve them in difficulties in the mining sections. Three years ago, in the famous two letters to Gov. Bigler, which excited both mirth and sympathy all over the land, the Chinese said "We assure you solemnly that we do not believe that there are any Chinese coolies in this country, who have bound themselves to serve for fixed wages, and who have given their families as pledges to their employers that they would fulfil their contracts. The Chinese in this country are not serfs or slaves of any description, but are working for themselves." This statement we believe to be true.

For the facts gathered in these articles we ask a candid consideration.

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REMARKS ON GOV. BIGLER'S MESSAGE.

To His Excellency Gov. Bigler, and to the Legislature, and the People, of the State of California.

The committee of the Chinese Merchants of San Francisco desire to present, for your consideration, the following respectful representation: —

We have read the message of the Governor.

Firstly—It is stated that "too large a number of the men of the Flowery Kingdom have emigrated to this country, and that they have come alone, without their families." We may state among the reasons for this that the wives and families of the better families of China have generally compressed feet; they live in the utmost privacy; they are unused to winds and waves; and it is exceedingly difficult to bring families upon distant journies over great oceans. Yet a few have come; nor are they all. And further, there have been several injunctions warning the people of the Flowery land not to come here, which have fostered doubts; nor have our hearts found peace in regard to bringing families. Suppose you say, "we will restrain only those who work in the mines; we would not forbid merchants," it is replied, that the merchandize imported by Chinese merchants chiefly depends upon Chinese consumption. If there be no Chinese miners allowed, what business can we have to do? The occupations are mutually dependent, like tooth and lip; neither can spare the other.

It is, we are assured, the principle of your honorable country to protect the people; and it has benevolence to mankind at heart. Now, the natives of China, or of any strange country, have one nature. All consider that good and evil cannot be in unison. All nations are really the same. Confucius says: "Though a city had but ten houses, there must be some in it honest and true." Suppose then we see it declared that "the people of the Flowery land are altogether without good," we can not but fear that the rulers do not exercise a liberal public spirit, and that they defer their own knowledge of right to an undue desire to please men.

It is said, that "of the Chinese who understand your language and laws, the number is very small; and that we have no community of feeling with you." Now those who trade in our native cities with your honorable merchants did understand your language, and were acquainted with your customs. But suppose villagers, from everywhere, emi-

grate, most of whom do not know your speech; and that pleasant intercourse should thus be as it were intercepted; that though the heart desires, the expressions will not flow; that though the teeth be unclosed, still the proper words are not released; ought either the one or the other nation to take offence?

If it be observed that the "number of our merchants in your honorable State is not great," we reply, that nevertheless the amount of merchandize arriving here is not small, embracing imports by men of all other nations, as well as the business of our own traders. And this mutual general traffic fills the coffers of thousands, and involves the interests of myriads of people. But the miner in the mountain, and the workman in the shop, do no less than the merchant, pay respect to your customs.

It is objected against us that vagabonds "gather in places and live by gambling." But these collection of gamblers, as well as the dens of infamous women, are forbidden by the laws of China. These are offences that admit of a clear definition. Our mercantile class have a universal contempt for such. But obnoxious as they are, we have no power to drive them away; and we have often wished these things were prevented, but we have no influence that can reach them. We hope and pray that your honorable country would enact vigorous laws, by which these brothels and gambling places may be broken up; and thus worthless fellows will be compelled to follow some honest employment; gamblers to change their calling; and your policemen and petty officials also be deprived of opportunities of trickery and extortion. Harmony and prosperity would then prevail; and the days would await us when each man could find peace in his own sphere of duty. Such is the earnest desire of the merchants who present this.

It is said "that the Chinese go at once to the mines; that they have no other employment; that they come to this State only with the desire of obtaining wealth; and that having attained this object, they return home." We remember the times when the reports went abroad of the great excellence of your honorable State and its inhabitants. The people of the Flowery land were received like guests. An article left upon the road was not taken. Each was at liberty to traffic or to mine. In consequence, with the hope and desire of enjoying a residence where the customs were so admirable and just, we came. In those early times we were greeted with favor. Each treated the other with politeness. From far and near we came and were pleased. Days and months but added to our satisfaction. The ships gathered like clouds. Merchants paid freely their customs and taxes; and miners their licenses. But from the commencement to the present time, the profits upon the imports to this State have not paid the shipping and other expenses; and many of us have brought various commodities, the whole sum of which we have lost. Must there be added to this the insults and ridicule of the little and the mean? Look at the mines. There openly they have planned, and in secret they have wrought us injury. They have destroyed life, and plundered property. Wagoners have extorted from us; boatmen vexed and done us violence. To these barbarities we dared not reply; we must submit to the degradation.

We are told we "are no profit to your honorable State." Truly, it has been of none to the people of China. We had secretly thought, as your honorable State is a newly opened country, as it is a broad land, as merchants from the four quartars of the world are gathered here, and in order early to obtain a virtuous and intelligent population, that men would be treated with politeness; and thus your population would become one worthy of honor and admiration, and hence should proceed a race exhibiting extraordinary virtues. Surely a fountain so opened would not cease to flow. But suppose one to stare rudely in the face of a visitor, and insult him at the door, the man who respected himself must be fettered from

advancing further. And upon this subject it must be remarked again, that though the land we live in is certainly the same, yet the employments of the Chinese and Americans differ, and our places of habitation are not everywhere together.

Some have remarked that "emigrants from other countries bring their families; that their homes are distributed over the State; that some engage in manual employments, and amass wealth; that thus mutual interests are created, mutual civilities extended, and common sympathies excited; that while in every respect they adopt your customs, on the contrary the Chinese do not." To this we rejoin, that the manners and customs of China and of foreign countries are not alike. This is an ancient principle, and is prevalent now. What if other countries do differ somewhat from your honorable nation in hats, and clothes, and letters, and other things, while there is much that is common! In China itself, the people differ. In China, there are some dissimilarities in the inhabitants of various provinces, or departments, or counties, or townships, or even villages. Their dialects, their manners, their sentiments, do not wholly accord. Their articles of use are not all made by one rule. Their common customs all differ. One line cannot be drawn for all. And just so it must be in all parts of the world. It would certainly appear unreasonable, when the officers and the merchants of your honorable country come to our Middle Kingdom, were they rebuked for not knowing our language, or for not being acquainted with our affairs.

But there are things of greater consequence to be considered in connection with this matter. We Chinese and your honorable nation are possessed of a common nature. All must thank High Heaven for natures disposed to love the right and hate the wrong; and It has ordered also the matter of hats, and clothes, and forms of ceremony. Therefore our Most Gracious Emperors have cherished and showed kindness to those from afar. No distinction has been made between subject and foreigner. They have set their minds and hearts to this subject, for the reason that in former times there has been much discord with other people. Our Emperors of the present Ta-tsing Dynasty have issued commands to officers, both civil and military, and to the people, to exercise perfect faithfulness in their duties to the officers, and the merchants, of your honorable country, declaring that they would not suffer one hair's violation of them. Kindness and politeness, therefore, were reciprocated; and high and low felt that they were one. All under heaven know this.

But of late days your honorable people have established a new practice. They have come to the conclusion that we Chinese are the same as Indians and Negroes, and your courts will not allow us to bear witness. And yet these Indians know nothing about the relations of society; they know no mutual respect; they wear neither clothes nor shoes; they live in wild places and in caves. When we reflect upon the honorable position that China has maintained for many thousands of years; upon the wisdom transmitted by her philosophers; upon her array of civil and of military powers; upon the fame of her civilization; upon the wealth and the populousness of her possessions; upon the cordial tenderness with which successive dynasties of Emperors have treated strangers; deeming native or foreigner all as one; and then behold the people of other nations heap ridicule upon us as if we were the same as Indians — we ask, is it possible that this is in accordance with the will of Heaven?—is it possible that this is the mind of the officers, and the people, of your honorable country?—can it be possible that we are classed as equals with this uncivilized race of men? We think you must be wholly unacquainted with the amicable feelings which have hitherto existed between our two nations. We doubt whether such be the decision of enlightened intelligence, and enlarged liberality.

Finally. It is said that "henceforth you would prevent the emigration of people of the Flowery land." Hitherto our people

have been imbued with your sacred doctrines; we have tried to exercise modesty and reason. If we can henceforth be treated with mutual courtesy, then we shall be glad to dwell within your honorable boundaries. But if the rabble are to harass us, we wish to return to our former homes. We will speedily send and arrest the embarkation of any that have not yet come. And now we, who are here, do earnestly request that a definite time may be fixed, by which we may be governed, within which we can return our merchandize, and make any necessary arrangements. We trust that in that case the friendly intercourse of previous days will not be interrupted; and that your honorable nation may maintain its principles in tenderly cherishing the strangers from afar. If there be no definite regulation upon this subject, but only these incessant rumors about forbidding the Chinese emigration, we fear the result will be that the class who know nothing, of every nation, will be ever seeking occasions to make trouble; that our Chinese people in the mines will be subjected to much concealed violence, to robbery of their property, and quarrels about their claims. Thus there will be unlimited trouble; and where will be the end of it? Further, if there be no definite date and regular method fixed for our return to Canton, where can we make preparations in San Francisco for the accommodation of several tens of thousands of the Chinese? We most earnestly request the officers of the government early to issue a definite enactment. Such a course will be the best for the interests of our nation. It will be the best for the Chinese here.

SIGNED BY THE COMMITTEE OF MERCHANTS,
CHINESE MERCHANT'S EXCHANGE.
San Francisco, Cal., Jan. 30, 1855.

[FROM THE ORIENTAL.]

THE CHINESE COMPANIES.

I. THEIR MEMBERS, NUMBERS AND PROPERTY.

As the reader has walked, upon some balmy morning, along the southern side of Telegraph Hill, his attention has been attracted by a large frame structure, evidently of Chinese architecture, yet different in its appearance from the Chinese dwellings The front is painted light blue, and projects an airy portico. A pair of lions, carved in wood, guard the wide doorway; above and on either side of which are gilded tablets, with an inscription upon each of several large Chinese characters. It has often been refered to as "a temple." But its object is not religious. The building is an "*Ui-kun*" or company's house. The tablet over the door tells, if English sounds be employed for the Chinese characters, the name of the company,

"YEUNG-WO UI-KUN."

The two perpendicular inscriptions on either side are poetical lines. They read,

TSEUNG KWONG HAM MAN LI,
SUI HI P'O T'UNG YAN.

"May the prosperous light fill a thousand leagues;
May the auspicious air pervade mankind."

The two smaller lines on either board inform us that they were "Set up on a fortunate day of the 8th month, 2nd year of the Emperor Hienfung"—"Carved by Fan I."

Upon entering the house by the side door

an uncovered area is seen, in accordance with the Chinese custom, in the middle; from which rooms open toward the front and rear, and stairs ascend on either side to the second story. The smaller apartments below are occupied by the agents and servants of the company. The largest room or hall is pasted over with sheets of red paper covered with writing. These contain a record of the names and residence of every menber of the company, and the amount of his subscription to the general fund. The upper story, and the attic, with the out-building on the upper side are, it may be, filled with lodgers; nearly all of whom are staying but temporarily, on a visit from the mines, or on their way to or from China. A few sick persons lie on their pallets around, and a group here and there discuss a bowl of rice, or smoke and chat together. In the rear is the kitchen.

Such is the Yeung-wo company's house. It is a fair specimen of similar edifices. Let us enquire what is their design?

For the information of the American community a series of questions was drawn up, and a copy forwarded to each of the five companies. The answer of the Sze-yap company is translated in full. The replies of the others are given for the sake of brevity only upon points where they differed. They are compiled from the records of the several companies by their agents, and I have reason to think are to be relied upon. The most trustworthy Chinese in the city vouch for their correctness. The numbers are not given to units by any company except the Ning-yeung, as the additional labor to the clerks would have been considerable. They are near enough for our object.

SZE-YAP COMPANY.

"Our house is built throughout of brick. It is surrounded also by a brick wall. It is situated in San Francisco, Pine Street, No. —. We have also a frame house in Sacramento. The company was originally composed of people from the four districts of San ning, San-ui, Hoi-ping, Yan-ping; hence our name, Sze Yap, [which means "Four districts."] Afterwards, men from the two districts of Hok-shan and Sze-ui also entered. We did not, however, change our name on this account.

In China it is common to have councils, and in foreign countries Ui-kuns (or assembly halls.) Their object is to improve the practices of their members, and to instruct them in principles of benevolence. They are somewhat like American churches! The buildings furnish beds, fuel, and water to guests who remain for but a short period; also a lodging place and medicines for the infirm, aged or sick. Means are bestowed upon such to enable them to return to China.

There are three agents employed by the company; also a servant who sweeps the house.

The number of our members that have arrived in this port, according to the record made at their landing, from the first until Dec. 31, 1854, has been about 16,500. Of these have returned, perhaps, 3,700. In April of last year above 3,400 separated, and formed the Ning-yeung Company. More than 300 have died. There are at present in California altogether about 9,200. We do not know the number who have left this for other countries.

Except the buildings used by the company, we have no other property. This has been purchased by the members; who have subscribed of their free will, some twenty, some fifteen, some ten dollars. A portion has been paid in; some will be paid when they are ready to return home. This is a perfectly voluntary matter; there has been no coercion used. Nor is any money required from the disabled, the sick, the aged, or from those making a second voyage to this country.

The objects to which the subscriptions to the company have been devoted are as follows: 1. The purchase of ground and erection of the buildings used by us; 2. The salaries of agents and servants; 3. For fuel, water, candles and oil; 4. To assist the sick to return; 5. For the bestowment of medicines; 6. For coffins and funeral expenses for the poor; 7. For the repairs of tombs;

8. Expenses of lawsuits; 9. Taxes upon our frame house at Sacramento; 10. Drayage, and other outlay, for passengers landing or departing, by ships. The unpaid subscriptions amount to $35,000; the names of others who have not yet stated the amount they intend giving will be good for perhaps $6,700 more.

The agents of the company are elected. At the election all the districts must have a voice. If from any one no members are present, they must be heard from. The agents must be men of tried honesty; and are required to furnish security before they enter upon their office. Their election is for the term of six months; of the expiration of which they must give notice, and call a new election. But if they be found faithful to their duties they are eligible to reëlection.

Our company has never employed men to work in the mines for their own profit; nor have they ever purchased any slaves or used them here.

The present agents of the company are Chu Wingtin, Yu Fuseung, and Cheung Akong."

YEUNG-WO COMPANY.

"The three distiicts of Heung-shan, Tung-kun, and Tsang-shing, are embraced in this company. The house built here is for their accommodation in coming and going.

The total number of men from these districts since the commencement of the emigration is about 16,900; there have died about 400, and returned 2,500. The number of those now in the country is in the neighborhood of 14,000.

Three agents are employed by the company: Tong K. Achick, Chu Yat, and Li Tsz-kun. There is a branch at Sacramento, and the Heung-shan people have a house in Stockton; but there is no regular agent employed in either city. The houses are mere lodging-places. The entire property of the company may be valued at above $20,000. There is perhaps $100,000 of subscriptions, which they have not received."

CANTON COMPANY.

"We have a frame house in San Francisco, on Clay Street; and two frame houses, one in Sacramento, and one in Stockton. Its Chinese name "Sam Yap," [that is; "three districts"] is obtained from its originally including people from the districts of Nam-hoi, Pun-yu, and Shun-tak, in Canton province. Men from two others, Sam-shui and Tsing-yuen, have joined, however, since our organization.

Two agents are employed at present, Tam Yik-pui, and Chan Pat-cheung; also a porter to take charge of the house.

The entire number of Chinese who have come to San Francisco in connection with this company, according to the record of the ship-agent, is over 8,400. Returned to China, above 1,300. Dead, so far as record as been made of burials, over 300. Remaining in California, about 6,800. Some have gone to other countries and been otherwise lost sight of.

The term for which agents hold office is one year, at the close of which the agent gives notice, and a new election is called. If he has been found to be a trustworthy man, his security is renewed, and a new election is not entered into.

The amount of entrance fees and subscriptions not paid is about $22,000. That expected from individuals who have not yet put down their manes is perhaps $4,700."

NING-YEUNG COMPANY.

"This company's house is situated in San Francisco, No. 47 Broadway, near Kearny street. Its front is, however, toward the South. The house is of wood; it has an enclosed yard; and a brick kitchen attached. The company consists of the people of San-ning, who separated from the Sze-yap company.

It has two agents, Li Leung-nam, and Mui Tsin-sui; and a person who is cook and porter. They are elected for the term of six months.

When the company separated from the Sze-yap it contained about 3,450 men; this

was in April, 1853. Since then till Dec. 31, 1854, there have arrived 4,899. Returned to China, 1,269. There have died 173. There are now connected with us 6,907 persons. There may be individuals dead, or departed to other regions, of whom we have no record.

Of money subscribed, but not paid in, there is due over $20,000. Of what will be paid by others there is about $4,000."

YAN-WO COMPANY.

"The only house we own is in Happy Valley, San Francisco. The entire value of our property is $6,000. Not paid in, $15,000. Our entrance fee is $16.

There have come to California, in connection with this company, 2,100 persons. About 160 have gone back and about the same number have died in various parts of the State. The number now in connection with us is 1,780. They are from the two districts of San-on and Kwai-shin. A few are from Ka-ying Chau.

"Our agents are elected for the term of one year. There are at present two: Kong Kwok-yeung, and Fan Ut."

In our next number we propose to make further explanations respecting the general design and operations of the companies; and shall furnish a translation of some of their rules. We close for the present with presenting in a tabular form their computations of the total number of Chinese that have arrived in California; that have returned hence to their native land; that have died here; and finally, their estimate of the number at present in the State. We can from this table ascertain more nearly than by any other method the Chinese population of California. There are probably not a thousand men who have not connected themselves with one or the other of these five companies.

TABLE.

Names.	Arrivals.	Departures.	Deceased.	Present.
Yeung-wo Co.	16,900	2,500	400	14,000
Canton Co.	8,400	1,300	300	6,800
Yan-wo Co.	2,100	160	160	1,780
Sze-yap Co.	16,650	3,700	300	9,200
3150 of the Sze-yap separated, which are to be subtracted from their present and added to first column of the				
Ning-yeung Co.	4,899	1,269	173	6,907
Total,	48,889	8,929	1,333	38,687

II. THEIR INTERNAL ORGANIZATION.

The sea-coast of Southern China presents a rugged, dun, treeless front to the voyager, not unlike ours in California. Its river gaps, however, invite, and fully recompense him, by spreading before the eye beautiful and populous savannas, planted with rice, sugar-cane, and gardens. Only here and there a clump of trees is seen; perhaps the laichi, or the orange, or an ornamental tuft of bamboos near a village, or the banyan by a temple. The gorgeous crimson tropical sun-set is relieved by serrated lines of distant hills, that hedge the horizon.

In this region lies the province of Canton. In this portion of China foreign nations have traded since near the commencement of the Christian era. Its inhabitants are better acquainted with other countries than any other portion of the Chinese. They, and the people of Fuh-kien, the next province on the east, trade in great numbers to all the lands westward of them, to Cochinchina, Siam, Cambodia, Burmah, to all the islands of vast Indian Archipelago, and even to India; and they stretch away northward in their unwieldly junks to Formosa, Loo-choo, Corea, and Tartary. They are the boldest, rudest, and richest people of the Empir e

When the news of the discovery of gold on the opposite shores of the "Great Eastern Ocean" reached them, it was natural that they, above all other Chinese, should rush to California. And we find that, with the exception of a few hundred scattering individuals, the entire body of Chinese emigrants to California has been obtained from the one province of Canton, and merely from the districts along its coast. They are the same people who for two hundred years past have trafficked along the Asiatic shores, and been thus fitted for this final and longer flight across the ocean.

This province is usually estimated to contain about 80,000 square miles, and a population of a little over twenty-seven millions; that is about the same as the British Islands, which are somewhat greater in extent. It contains fifteen departments, which are subdivided into ninety-one districts. The most populous department is that of Kwang-chau-iu, in which is the city of Canton, the capital Of the province, and the great seat of foreign trade. This department embraces fifteen districts. It lies around a fine bay, studded with tall islands, and the mouths of three large rivers come together near the city. It is about one hundred and twenty miles long, and perhaps as broad. With the exception of a few thousand of the Sze-yap Company nearly all the immigrants in California are from the department of Kwang-chau-fu.

One great result of this emigration from the same department is that the dialect of all is nearly the same; while the few from, Shanghai, in the province of Cheh-kiang and from the province of Fuh-kien, are nearly strangers to their own countrymen. They cannot understand each other in conversation.

We observe secondly, from this, that the predictions of a vast inundation of tens or hundreds of Chinese, from all parts of the Empire, are absurd. Several hundreds of the first immigrants here were Shanghai people, but there have been none thence for several years.

A third remark upon this is, that we may hence trace the root of many of the quarrels between bodies of Chinese from neighboring cities or towns, who have been unfriendly at home; which are just like those so famous among our own Scotch, and Irish, and English ancestry.

A fourth consequence of this feature of Chinese immigration is, the increased facilities which it affords for the missionary work, for preaching, teaching, and intercourse with them. In an assembly, nearly all can understand a public address.

When the Chinese visit any other province of their country in considerable numbers, it is their custom to have a common quarters, or rendevous, which they style an *ui-kun*, that is, a gathering-place or company's house. It is like a club-house, in being supported wholly by voluntary contributions, and in the provision of food and lodging at their cost. And so, when they voluntarily emigrate to any foreign country, in Asia or America, they at once contribute to erect a house. Agents or superintendents are elected, who register the members and manage its concerns. Servants are employed to take care of the building, cook the food, and attend the sick. Provision is made for the interment of the dead, repairs of tombs, and the semi-annnal worship of the spirits. And, beyond all this, rules are agreed upon for the government of this club, or company; and these are adopted or repealed at pleasure in the most democratic manner.

The subject of the rules, government and influence of these companies we propose to consider at another time. Their external organization has been now and in the previous article shown as clearly as possible. We shall dismiss it by some general observations.

The first is, that our people may see in the explanations we have given, how erroneous the ideas which have gained currency in regard to the nature of these companies. The members are no more "slaves" than the members of an American fire-company, or any other voluntary association, governed by rules established by the majority, and electing their own officers at regular periods.

Secondly. They have all declared that they have never owned, imported, or employed any slaves. There is slavery, or peonage, of a certain kind, in China, but it is very different from the bondage of Africans in the United States. It is said there are a few, not a hundred individuals, of that class here; but they never have been employed by the companies, and work probably on their own account. Americans, we are assured, have nothing to fear from that source.

Thirdly. The funds of the companies are not used for mercantile purposes, or to obtain revenue, and indeed are paid out nearly as fast as they come in. The treasuries of several of these companies are now empty, or in debt. Many of their people never pay the fees, aud are on the other hand sources of great expense. The salaries of the agents and clerks is usually $80 to $100 per month; of the servants, perhaps, $60. The only property held by the companies is just what is absolutely necessary to accomplish their objects; such as a lot of ground, house and furniture, in San Francisco; and a house perhaps, at Sacramento, or Stockton.

A final observation is, that the statistics we have furnished in relation to the number of Chinese in California show how exaggerated are some of the estimates of our own people. The wild and baseless guesses of the Committee of the last Senate, and of the Governor of the State, have excited much unnecessary alarm. The formal statements of the agents of the companies show that about 48,949 Chinese have arrived in California, so far as their books have registered; 8,929 have returned; 1,333 have died; and there remain in connection with them at present, 38,687. The arrivals of women are not recorded by the companies. We think there are not more than two thousand in the State; and probably considerably less. At some future time we may be able to ascertain nearly the number. In order to verify the accounts of the agents, we have lookod at the lists in some of the companies' houses, and made inquiries of some of the most respectable and truthful men in the city. We think that the statements given are not far from correct. To that number we may add probably a thousand for those that have not chosen to join any company; and we see that there are probably, in all, about 40,000 Chinese men in California.

III. THEIR INTERNAL ORDER.

An association of Americans, for commercial, political, literary or benevolent purposes, generally establishes its rules, or by-laws, for the government of its members. A military company, a society in a college, or a temperance or odd-fellow's lodge, have each their appropriate laws and penalties. So with a train of immigrants crossing the plains to Oregon or California, or a party of miners upon a remote prospecting expedition. These rules are established for the ends of mutual assistance, the promotion of order, and the punishment of the unruly. Yet it is understood that in all of them the laws of the country are acknowledged to be fundamental. What may be constituted by any association are but supplementary to the common laws, for purposes which they could not reach or particularize.

The Chinese companies in California are voluntary associations established upon the same principles, to a considerable extent. The Chinese find themselves here a race of strangers, more completely so than any other people. The companies have several objects.

First. They afford conveniences for lodging, the storage of baggage, and a head-quarters

or friends and acquaintances from the same locality; just as if the citizens of Massachusetts, New York, Pennsylvania, or Louisiana, had seperate club-houses in San Francisco, which were places of general rendezvous for the people of those states. These companies are a great saving of expense and trouble to the Chinese, and are a remarkable illustration of their practical wisdom.

Second. They can thus make provision for the care of their sick, and the burial of their dead.

Third. Great facilities are afforded for the collection of debts. Accounts are sent, if there be any doubt about their payment, to the agents at San Francisco. Here the people are constantly going and coming; debtors can be more easily reached; their circumstances are known; if they refuse to pay, complaint is made to our courts of law, they are arrested, and the claim obtained.

Fourth. Disputes between miners and others can be settled without the expense, delay, and trouble, of a resort to our courts of law. A friendly arbitration is held before a meeting of their company, or before the five companies, where the case is more difficult, or where persons of different districts are involved. The proceedings on these occasions are generally calm, judicious, and satisfactory to the disputants. In former days, encouraged by the examples of lynching among our own people, the companies sometimes took the law in their own hands so far as to inflict corporal punishment upon offenders in their houses, but such practices are now disclaimed by them. The days of Norman Assing are past; offenders are handed over by them to our courts, in cases which their counsels cannot adjust. Thus far these associations have been of great benefit to the Chinese. They are entirely democratic in their nature. Without them our State could not have been so exempt from Chinese crime, beggary, and strifes. Yet on the other hand there are some weighty objections to them, and when our own population shall have become more settled and orderly, it is probable that the complete Americanization of the Chinese residents may be promoted by their dissolution.

Fifth. It need scarcely be remarked to any one who reads the accounts of the companies, which we have carefully prepared from original documents, that their whole economy is social, and not commercial, in its character. We do sincerely hope that the statements given, on as good authority as can be obtained, will hush the groundless clamor about their importation of coolies, their working the mines for the benefit of wealthy capitalists, and their power over their countrymen.. These *clubs* have no such objects in view.

In order to place the whole subject of the nature of these companies in the clearest and most satisfactory light, we have obtained from one of them a copy of a constitution which was lately drawn up. The others have no documents so full and explicit as this; which has been lithographed and distributed among its members in the mines We give the general substance, and often the exact translation of the paper.

NEW RULES OF THE YEUNG-WO UI-KUN.

Since it is necessary for the government of the people and the promotion of the common good that rules should be drawn up, we members of the Yeung-wo Company now dwelling in a foreign country have established the following. As successive emigrations have become less substantial in their character, and troubles have sprung up like thorns, we deem it necessary to draw up those which formerly existed in a general form in a new and definite shape, and to publish them to all men. They are in conformity with the customs of the foreign country in which we are sojourning. We trust they may be exactly observed, by common consent. They were adopted in the following order on a prosperous day in the ninth moon of the year *Kap-yan* (1854.)

GENERAL REGULATIONS.

People of the three districts of Heung-shan, Tung-yuen and Tsang-shing are required to

report themselves at the company's room;—otherwise the company will exercise no care for them in their concerns. The entrance fee shall be ten dollars; if not paid within six months interest will be expected. These fees may be paid to collectors sent for the purpose into the Northern and Southern Mines, in the fourth and tenth month of each year. No fees will be required from those proved to be invalids, or transient persons.—Receipts for payment of fees must be entered on the books, and bear the company's seal. Disputes will not be settled between persons who have not paid the entrance fee. Members purposing to return to China must make the fact known to the agents, when their accounts will be examined and measures will be taken to prevent it if the entrance fee or other debts remain unpaid. Strangers to the agents of the company must obtain security who will be responsible for their character and debts. Members leaving clandestinely shall be liable to a fine of fifty dollars; and the security for a debt for helping him thus to abscond shall be fined one hundred dollars.

In the company's house there must be no concealment of stolen goods; no strangers brought to lodge; no gunpowder or other combusti ble material; no gambling; no drunkenness; no cooking (except in the proper quarters); no burning of sacrificial papers; no accumulation of baggage; no filth; no bathing; no filching oil; no heaps of rags and trash; no wrangling and noise; no injury of the property of the company, no goods belonging to thieves; no slops of victuals. For the heavier of these offences complaint shall be made to the police of the city; for the lighter, persons shall be expelled from the company. Baggage not allowed to remain longer than three years, when it must be removed; nor more than one chest to each person. Invalids that cannot labor, are poor and without relatives, may be returned to China at the expense of the company for their passage money; but provisions and fuel and other expenses must be obtained by contributions. Coffins may be furnished for the poor, but of such a careful record shall be kept.

Quarrels and troubles about claims in the mines should be referred to the company, where they shall be duly considered. If any should refuse to abide by the decision of the company, it will nevertheless assist the injured and defend them from violence. If when foreigners do injury—a complaint is made, and the company exerts itself to have justice done without avail, it ought to be submitted to. Whatever is referred for settlement to the assembly of the five companies conjointly, cannot again be brought before this company alone.

Where a man is killed, a reward shall be offered by the company for his apprehension and trial, the money being paid only when he has been seized; the members of the company shall subscribe each according to what is just. If more than the anticipated amount is required, the friends of the deceased shall make up the deficiency. Complaint shall be made of offenders to the court, and proclamations for their arrest shall be placarded in the principal towns; but any one found guilty of concealing them, shall pay all the expenses to which the company has been put. Difficulties with members of other companies shall be reported to the agents of company, and if justice demand shall be referred for the judgment of the five companies conjointly. Offences committed upon shipboard, on the seas, shall be referred to the five companies conjointly. Difficulties brought upon men by their own vices and follies will not receive attention. Thievery and receiving of stolen goods will not be protected; nor will troubles in bawdy houses; nor those in gambling houses; nor debts to such; nor extortions of secret associations; nor the quarrels of such associations; nor those who are injured in consequence of refusal to pay their licenses; nor smuggling; nor any violation of American laws. The company will not consider complaints from a distance by letter, of a doubtful character, or without sufficient proof. No reply will be made to anonymous letters, or those without date and a specification of the true origin and nature of difficulties. Names must be

carefully given in all complaints from the interior. No payments of money will be made in the settlement of cases where the rules of the company are not complied with. Where the conduct of an individual is such as to bring disgrace on the company and upon his countrymen, he shall be expelled, and a notice to that effect be placarded in each of the five companies' houses; nor will the company be responsible for any of his subsequent villainies, or even make any investigation should he meet with any violent death. Costs connected with the settlement of disputes shall be borne by the one decided to be in the wrong. In difficulties of a pressing and important character in the mines a messenger shall be sent thence, and a judicious person shall at once accompany him to the place. In any quarrel where men are killed or wounded the person who originated it shall be held accountable. Any defensive weapons belonging to the company shall be given to individuals only after joint consultation, and the register of their names. Those requiring such weapons for defence shall give security for their return, If any shall take them on their own responsibility they shall be held accountable for any consequences, Any one using the seal or addressing a letter in behalf of the company, unanthorized, shall be severely censured if the matter be unimportant; if a serious offence, he shall be handed over to the court of law. The parties and witnesses in cases shall be examined under oath. Representatives from the people of different counties and townships shall be notified by the agents of the company of the time of any meeting; and when assembled they shall not leave till the business is dispatched. Notices of meetings upon urgent business shall be marked with the words "urgent case;" the representatives so informed shall be fined ten dollars if not present within an hour of the time. In arbitrations, the agents of the company, the representatives, and the witnesses, shall all be put on oath.

COLLECTION OF DEBTS.

Claims for debts, to avoid mistakes, must particularize the true name, surname, town, and department of the debtor. The agent of the company shall give the claimant a bill of the debt, which will be received again when the money is paid. No claim can be presented of less than ten dollars. Claims presented through the company must, when afterwards paid, be receipted by the company; else the debtor will not be allowed to return to China. Persons making false claims against an individual shall recompense him for any expenses to which he shall be put in consequence thereof. Accounts must be acknowledged by the debtor to be correct, before collection. A person appointed as collector for another must endorse the account. A creditor in returning to China must name an agent who will receive the payment of any claims made by him. Accounts sent from China for collection shall be admitted by the company. The agent will not pay over collections except upon the presentation of the bill of acknowledgement he has previously given. Part payments must bear the receipt of the company. In cases of dispute about debt, the debtor may return to China if the representative of his district is willing to become his security. Debtors shall not be hindered returning to China on their pleading poverty, or chronic sickness. In losses occasioned by oversight of the agent, he shall be held responsible for the amount, unless he declare them upon oath to have been unintentional. Claims for debt, if unpaid, must be again put on record at the expiration of three years. Claims presented by a member of another company shall be certified by the agent of that company, and when recorded shall be subject to a fee of twenty-five cents.

DUTIES OF OFFICERS.

This company shall elect three agents, one to attend to the internal affairs, one to business with Americans; and one as treasurer; and these shall mutually assist one another. A faithful servant shall be hired as a house-servant and porter. There shall be also elected a committee of four, as counsel-

lors, who shall receive five dollars a month for tea-money. The monthly accounts of the company shall be counted till the last Sunday of the month, on which day the committee shall audit, and publish them by a placard. The treasurer shall never retain more than four hundred dollars in his own hands at one time, and his deposits in the treasury and payments from it shall be under the supervision of the committee of four. The treasury shall have four different locks, and each of the committee one key. The treasurer must always be present when money is taken out. Should the committee employ collectors who have not been duly elected by the company, they shall be held responsible for them. The account of the company shall be closed with each month, that there be no private or wasteful employment of its funds; and in cases of fraud, a meeting shall be called and the offender expelled. When inadvertent mistakes are made in accounts, the committee shall state them to be so on oath, and the correction shall then be entered. Agents or committee men whose accounts are not clear shall be censured. None but the agents shall have common access to the account books. Payments in behalf of the company shall, when made at their house, be endorsed by the committee, but in the interior they may be made by the agent alone. The office of the agents shall be kept open daily from eight o'clock in the morning till five in the afternoon. The doors shall be closed at New-years for three days. Agents shall not use offensive language against each other; but any differences shall be settled by a meeting of the company. If lodgers at the company's house do not comply with the regulations and respect the authority of the agents, they shall be expelled by a meeting of the company. Agents who are remiss in attending at the office shall be mulcted to twice the amount of their salary for the time lost.

WHAT ARE COOLIES?

The Chinese in California are supposed by not a few Americans to belong to a debased caste of their countrymen, recognized by the generic name of "Coolies." Questions upon this point are among those most commonly presented to individuals who have been acquainted with them at home.

The mistaken ideas which prevail on this subject have arisen from confounding the Chinese people and customs with those of India, where the entire social system is widely different. The British traders in Canton attached Indian appellations to many articles of solely Chinese produce or use. The Hindustani word "coo-lie" was by them inflicted upon the Chinese, in whose language it has no equivalent, and who have no caste or class whom it represents.

What is the Indian "coolie"? He is, we reply, the representative of a degraded class of the Hindus. The system of "caste" prevalent in that country is familiar to all. It is known that there are four distinct and fixed divisions of society. Of these castes, the highest, the *Brahmans*, came originally from the head of the supreme creator, Brahm.—The *Vishya*, or *Bias*, sprang from his body —constituting the agriculturists and capitalists. From his arms issued the *Kshatriya*, or military caste. The *Sudras*, or laborers, sprang from his feet. They are the most degraded of all, performing only servile duties. They are used in tilling the soil, and in menial occupations. The Vedas, or sacred books, are closed against their perusal. Under these four great divisions, there are a multitude of inferior distinctions.

The word "coolie" originated from a singular race of people, of which there are several tribes, together calling themselves

Kulí, or *Kolí*—a word which signifies "clansman." They are the aborigines of India; apparently much more ancient than the Mohammedan and other races who have successively conquered the country. Some are still wild in habitants of the mountains and jungle. Other tribes have embraced Hinduism; of these, most near the coast and large rivers are fishermen, while the residents of the interior are generally employed in farming, as village watchmen, or as servants. They are a strong, robust people. of a light copper color, and use freely animal food, which the superior castes abhor. The kulís of Bombay are the only inhabitants subject to a regular poll-tax, which is over six rupees each. Their habits, food andpersons are unclean, and their own countrymen despise and oppress them.

Such is the debased class of Hindus to which the name kulís or "coolies" appropriately belongs. Europeans in India often apply the epithet to other servile laborers and employees, of a low caste. But it is this people alone to whom it should be rightfully given. And it is these kulís of the hills that have of late emigrated in large numbers to the Mauritius and the West India Islands.

The Europeans and Americans resident in China, never, so far as our observation extends, employ this word, as in India, to signify wild races, fishermen, laborers, watchmen, or particular debased classes. The coolie in Canton is the house-servant, the bearer of the sedan chairor the porter of the tea or silk warehouse; a class subject to no cincture of contempt; one from which some of the wealthiest and most influentlal merchants have sprung, and embracing occupations sometimes accepted by their sons for the sake of learning the language and customs of foreigners trading there.

Now, with the Hindu kulí, the object of our apprehensions, compare the emigrants to our shores from the empire of China. First—One in the least acquainted with the social system of that nation need not be reminded that there *no caste* exists. Its whole apparatus of caste he flings away, as something uncomfortable and unnecessary. And so the social and political system built upon this pantheistic base. There are are no fixed divisions in the body politic; no employments necessarily hereditary; no essential superiority of nature; no permanence of rank; few offices beyond the reach of the humblest individuals gifted with talent and energy. Strange as the declaration may seem to many, who regard them with blind prejudice, it is yet true that few nations hold opinions, on many points in politics, more democratic than the Chinese.

What are the Chinese we see swarming in our streets and crowding our mines? They are just what any other people are: laborers, cooks, boatmen, farmers, carpenters, stonemasons, brick-makers and brick-layers, shopkeepers, book-binders, weavers, tea-packers, gardeners, and just what an equal number from any other land might be expected to present in the variety of their occupations. Some, that speak English best, have been scholars in missionary schools, or employees about foreign *hongs*. Here and there is a literary man. though rarely seen, and his accomplishments lost upon this air. Then, there is an abundance of the vilest classes—the gambler, the infamous female, and others, who prey upon the fortunate, the unwary, or the wanton.

How did they get here? Just as any others. Some had means of their own. Some borrowed. Some sold their small possessions to join in the rush for "The Golden Hills." They were imported by no capitalists—Chinese, English, or American. They are owned or held in slavery by no one, save in the bondage of obligatioh to pay one's honest debts.

From an extensive acquaintance with them and their employments, and after inquiry into the points we have been considering, I am assnred that the prejudices existing against the Chinese generaily in this State, as a ktnd of slaves or bondsmen, is the result of want of information. Prejudice against them upon such grounds is unfounded. When this is fully understood, their condition, as poor, friendless, inoffensive, foreigners—many of them willing to do the best they can, and to learn to do better—wili ensure them sympathy, instruction and protection from many by whom they are now avoided and contemned.

6

THE EVILS OF MONGOLIAN IMMIGRATION.

THE CHINESE QUESTION.

SPEECH

OF

HON. CHARLES N. FELTON,

OF CALIFORNIA,

IN THE

SENATE OF THE UNITED STATES,

Thursday, April 21, 1892.

WASHINGTON.
1892.

CALIFORNIA STATE LIBRARY

SPEECH

OF

HON. CHARLES N. FELTON.

The Senate having under consideration the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States—

Mr. FELTON said:

Mr. PRESIDENT: I first desire to say that I am in accord with what the Senator from Oregon has just said in regard to the importance of passing some measure at this time. It is evident that very able Senators upon this floor and lawyers disagree as to whether the existing law expires on the 6th of next May or two years thereafter; but I in no way agree with the Senator from Oregon in his last remark. I think it is better for all that whatever legislation we have at this time ought to be the best legislation we can get that will exclude these people, and as an evidence of why I desire it I propose to submit some remarks.

Mr. President, I approach this discussion with reluctance, conscious of the fact that there exists a sentiment among worthy citizens who, having little or no practical knowledge of this subject, are opposed to their exclusion, and as in past Congresses, this question has been very ably discussed, I can hope to add but little for your consideration; and, therefore, should have remained silent, but for the fact that I represent, in part, a constituency who have suffered from the evils of Mongolian immigration for over a third of a century, and who have learned by bitter experience the great economic and moral objections to the incoming of this people.

This question is political, social, and economic. It is a question of civilization, and we of the Pacific coast would preserve ours, the Western type, and not submit to the Eastern. To pre-

serve ours we must exclude the other—the Eastern. They will not mingle or fuse, and were this possible the resulting type would have the vices of both without the virtues of either.

The Chinese race, born in the infancy of peoples, has as a race and nation existed for a period of time so vast as to be incomprehensible to the human intellect.

While the races of the West have come and gone, leaving scarcely an imprint to mark their existence, while they, under ever changing environments, have contended for existence and supremacy, mingled and formed new nations, of higher types and civilization, this single race has come down the ages, in one long, unbroken, undeviating line, uninfluenced by example or contact with the other or Western nations, they are the creation of one environment and unchanged conditions. For 3,000 years before the birth of Christ, and during their existence they have maintained without change the same religion, the same form of government, the same manners, habits, and customs.

A paternal form of government, the earliest known, in which the power of life and death has ever been at the will of the rulers, from the Emperor down to and including the head of families, and trial by peers unknown. Whatever the outward form of religion professed, and though, perhaps, conforming to its pomp and circumstance, the Chinese venerate and worship only the spirits of their ancestors. They are without God, without conscience, without charity, devoid of sympathy and gratitude—fatalists. They are a mighty nation, composing nearly one-half the population of the earth—a race to be feared. They are highly intelligent, with great comprehensive powers, persistent, cunning, patient, born diplomats, painfully industrious, frugal to parsimony—the question with them being not what they need, but what they can do without and sustain life.

Through five thousand years heredity, intensified by isolation, has produced and reproduced their race characteristics until they are concrete; unchangeable, mentally, physically, or morally. And though wherever they go they disseminate vices that kill mentally and physically and transmit their effect to the third and fourth generations, they are more to be feared for their

virtues than their vices; born and innured through centuries to toil and privation there is no competing with them by those born in and accustomed to the requirements of Western civilization, however low the type may be. To do so life would not be worth the having.

Experience has taught us that wherever they are, regardless of disadvantages, that in whatever avenue of industry or labor they engage, they have, without exception, driven forth from thence all competition. They come to us without wealth and absorb ours. True, we have their labor, but its price is sent home to enrich the land of their birth, and thus are we monthly the poorer by millions of dollars that under other immigration would remain in and increase our national wealth. They consume but the minimum, the greater portion of which is imported from their native land, thus again depriving our citizens of the opportunities for labor, as consumption is a prerequisite to production. Their immigrations have been invasions. In no instance have they been welcomed to any country by its inhabitants; but, on the contrary, from their first migration down to the present time they have not only been met with protests, but persecution and bloodshed have been the result.

The history of their early migrations teaches us that though massacred by the tens of thousands and the deportation of the remainder, they have repeatedly returned and endured the same persecution and fate, until now they practically dominate and possess that land.

The history of their emigration to and deportment from the Philippine Islands is a "chapter of persecution," rapine, carnage, and horrors for nearly one hundred years.

There are other notable instances, had I the space to include them.

On our own soil, in this decade, history but repeated itself in the Rock Springs massacre, its perpetrators incited by the same cause, the same spirit, and giving the same reasons for the outrage as were given three hundred years ago. There must be some fundamental reason for these recurrences, and if this people are permitted to further invade us we must expect repetitions.

In all the history of their migration there is no instance of their ever having assimilated with any other race, submitting or conforming to its laws, religion, or customs. Race prejudices and antipathies innate in mankind were too resistant. Change of conditions, however great, has never produced any change in them. They, under all conditions and circumstances, have remained true to their civilization. Wherever they are, they are a people apart, without social intercourse with other races.

Races so dissimilar can not assimilate and hence can not exist together in unity, peace or prosperity—one or the other must survive and the older, the simple, will exhaust the newer and more complex. This is a law of nature, and China, with from six hundred and fifty to seven hundred and fifty millions of people to draw from, if permitted, will possess this land.

In the earlier history of our nation, when society was comparatively simple and our country sparsely settled, our forefathers were imbued with the French theories of "liberty, equality, and fraternity," and declared this land a "refuge for the oppressed and destitute of all nations." They believed that a Democracy, pure and simple, would evolve a high state of civilization, in which all mankind should and would share.

Since which time the great teacher "Experience" has taught us "wisdom," and that the extreme theories of the brotherhood of mankind were inconsistent and impossible with a complex state of society; that other factors than fraternity and benevolence were necessary to build up and preserve the nation and its civilization. That the fundamental principle underlying human nature is selfishness—deny it who may—one of self-preservation, "enlightened selfishness," and without which civilization would not have reached its present high type; that to preserve this it was necessary to protect it, not only from bad civilizations, but from the pauper, the criminal, the vagabond, and anarchist elements from whatever source they might come. That an intelligent people was necessary to perpetuate a government "of the people" and rule by public opinion. That to become intelligent both time and means were required for education; that to procure these the laborer must be protected and a more general dif-

fusion of wealth among the masses must be provided, and that by the only possible method, viz, an increase in their wages and the reduction of the hours of labor, now made possible by "natural power, engendered and put forth by material objects," the elements being the motive power directed by the hand of labor, the result a multiplication of production and wealth many fold. That for the creation of wealth the law of supply and demand must operate conjointly, consumption being necessary for production, and that to consume labor must be employed, and, as an economic writer puts it, "to enlarge the social opportunities of the masses."

And hence, in consonance with this new and practical economic sentiment, we have legislated against the importation of the products of cheap labor, we have passed laws against the incoming of the low-price and contract labor of Europe, of paupers, convicts, insane, and vagabonds, and to prevent the influx of the most immoral and the cheapest of all labor, the Mongolian. But our laws are incomplete, they are defective, hence evaded, and, in consequence, do not meet the desired end.

These defects more especially apply to the exclusion of the Chinese; as it is far more difficult, next to impossible, to legislate against a race that has nothing in common with us, but whose interest and sentiment are averse to ours and who have no regard for the sanctity of an oath, than against a race of our own type.

The Chinese have a sovereign contempt for our civilization and no regard for our rights or laws; and when we contemplate that in their veins courses the blood of over fifty centuries, without an alien taint, is it remarkable that they should feel their superiority, and have no respect for our civilization or God, whom they say man killed? They have laws unto themselves; unwritten laws, traditions, which bind and govern them. With them the end justifies the means, and that end, however accomplished, is their migration from an overpopulated and poverty-stricken land—where the struggle for life is so severe that the old, the infirm, the incurable sick, and the female infant are thrown into the gutter to starve and die, as they could not produce but would

consume; where the laws permit of the parents selling their offspring into slavery; where woman is a chattel and supposed to be without a soul; where the punishment for crime includes both the death of the offender and that of all of his relatives over 16 years of age, and by cruel and barbarous methods; where individuals are bitten to death by their fellow-craftsmen for an infringement of their rule—to that Western land where a mixture of the Caucasian race have come, assimilated, and created a free, humane, and enlightened Government and phenomenal wealth.

On the western shores of this continent, in Australasia, and upon the islands of the Pacific Ocean, whose farther waters brake on the shores of the Yellow Sea, have met the tides of immigration which parted company on the plains of Asia at some prehistoric period—the one going East, the other West, and there has commenced the struggle which shall determine which civilization shall predominate—the simple or the complex? And the action taken by us to-day may, and probably will, influence the destiny of a nation for good or evil.

The question now is, shall we exclude this people? And if answered in the affirmative, then we must ignore all sentimentality and technicalities and, without delay, by direct methods exclude.

But some say to do so, granting the necessity, would be violating treaty obligations. In this I do not agree with them. As it is contended by the highest authorities on international law, and as the highest tribunal in our land has decided that under our Constitution treaties and statutes are alike the laws of the land, and hence the latest act of the treaty or legislative making power must prevail over any previous act, it follows that a Federal statute contrary to a provision of a treaty necessarily repeals that portion of the treaty. And as a treaty, under the law and usages of nations, is simply an agreement between two or more powers for their mutual advantage and depends for its duration and validity upon equity. (Most treaties from their very nature are transitory.) Where conditions change and that which was intended to be mutual and equitable proves to be the reverse and either party is injured thereby,

treaties naturally are and should be modified or ignored in the interests of justice and national safety.

Says one high authority on international law:

> A treaty pernicious to the state is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the state for whose sake the government is intrusted to him.

Says the same writer:

> The nation itself, being necessarily obliged to perform everything required for its preservation and safety, can not enter into engagements contrary to its indispensable obligations.

Another uses the words:

> A total change of the circumstances renders a treaty no longer obligatory.

And a very able lawyer and writer says:

> It is not to be permitted that the liberties, the prosperity, the evolution and development of nations should be arrested by the weight of unchangeable treaties, which, under verbal forms, might place the industries and the social and political interests of a country in jeopardy.

Such conditions now exist between the Governments of the Empire of China and the United States by reason of the Burlingame treaty.

The effect of this treaty has been and is anything but mutual or equitable. While a portion of her race occupy our soil we are practically prevented from entering the "Flowery Kingdom" for either pleasure or profit. While we have, say, two hundred thousand of this people in the United States, there are less than eleven hundred Americans, all told, in China. They are absorbing our substance and returning no equivalent for the same. Our civilization is threatened; our industries paralyzed wherever they appear; our labor driven from employment: our women and children prevented from earning their bread; they have arrayed section against section; have and are disturbing the peace and prosperity of the land. Their presence means ruin to our laboring classes, and hence greatly complicates the labor question, fast becoming a high political one, and one that confounds the ablest thinkers—hence these very conditions have rendered the treaty nugatory.

Article 5 of this treaty has strikingly shown the want of statesmanship by those who negotiated and accepted it. It has proved

to be not only unwise, but an outrage upon the social and material interests of the whole nation. I quote it:

> Cordially recognizes the inherent and inalienable right of man to change his home and allegiance and also the mutual advantages of the migration and emigration of their citizens and subjects, respectively, from the one country to the other for purposes of curiosity, of trade, or as permanent residents.

The advantages of this section have almost wholly inured to the benefit of the Chinese; but, conceding the principle, is not the right to prevent for cause inherent? Otherwise it would be illogical and absurd.

This article also contains a proviso that certain laws shall be passed by both the contracting powers concerning the forced immigration of coolies and making it a penal offense, viz:

> For a citizen of the United States or Chinese subject to take Chinese subjects either to the United States or any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country, without their free and voluntary consent, respectively.

In pursuance of which the United States enacted stringent laws for the carrying out of that provision. China, however, has utterly failed and neglected to pass such a law or to take any effective steps to prevent emigration under contract and by compulsion, and it is a well-known fact that there are many instances where this provision has been ignored; where Chinese subjects have been sold for a certain period to labor, and some for vilest purposes, have been compelled to emigrate and fulfill their contract. I think it is within the truth to say that 50 per cent of those here came in violation of this article and of our contract-labor law. (I have a copy of a contract, authenticated by a minister of the gospel, which I would append to my remarks were it not too indecent for publication.)

China has committed a flagrant violation of this most important provision of the treaty.

Article 6 in effect provides, that while "the United States grants to the Chinese the right of access, of travel, trade, or permanent residence," in any and all parts of our country, without restriction, China only grants to the citizens of the United States simply the right to reside in certain seaports beyond the precincts of which they are not permitted to go under pains and penalties.

Under these conditions, that is, the utter inequality of this treaty, its injustice to the American people, the violation by the Chinese of its most essential provisions, to the injury of our moral sentiments, and industries, we should not hesitate to abrogate this treaty and preserve our civilization, our institutions, and people.

Why should we at this time hesitate to exclude? We have already in the passage of the Scott law abrogated a portion of the treaty, and it has been so decided by the highest judicial tribunal in the land.

Mr. President, my objection to the pending bill is that it is practically a reënactment of the present law, which has not and can not answer the end for which it was intended. Its only practical effect has been to turn the tide of this immigration from an American line of steamers to San Francisco to a British line of steamers to Victoria, British Columbia, where the Canadian Government receives $50 a head for their reception and the United States gains the Chinaman all the same, as it is a notorious fact that their numbers have increased but slightly in Canada, and that they have come over our 3,000 miles of northern border practically whenever they desired. And this measure provides no protection against that illegal invasion. The cost of policing that distance to prevent their incoming renders it impossible.

The substitute which I have offered contains a provision for a system of registration of those now in the country which might be practicable and accomplish the desired end. It certainly is worth a trial.

It perpetrates no indignity or hardship upon those now in this country and entitled to remain, if they are honest. But it will probably prevent the illegal incoming of others by collusion and false oaths.

I also object to the pending bill as it reënacts the "merchant" clause, which provides for the return of this supposed class by certificate.

This provision of the law has proved a fruitful source of fraud,

corruption, and conspiracy, and the evasion of the spirit and intent of the law.

There is no "merchant class" in the sense we use the word; they are traders among themselves and as a rule in a small way. They are of the coolie class (with rare exceptions) and on a par only with the laboring class, and receive no greater consideration, save on account of their wealth, for which the Chinese have the profoundest respect. When the coolie laborer desires to return to his native land, be he a laborer in the field, factory, or household servant, he becomes a merchant by paying into some trading establishment a matter of $50 or $100 and departs for his native land.

If he shall desire to return he is provided with the certificate for that purpose: if not, he sells it to one of his kind, posts him in regard to localities, and when he comes he presents his certificate, and if his identity (which is exceedingly difficult to determine) is questioned, he unhesitatingly commits perjury, is set free, by the "sacred habeas corpus" writ (a process unknown in Asia), and when the time set to determine his identity shall have arrived he has disappeared, leaving only an utterly worthless bond made acceptable under the law by the false oaths of his bondsmen.

Sir, I would prevent the shame and outrage of these daily impositions upon our people and their demoralizing influence.

From whence emanates this sentiment of opposition to their exclusion? Can it be possible that in this land of intelligence and plenty that this opposition should be instigated by the sordid motives of a few that prefer immediate gain to the perpetuity of our civilization and institutions, the peace and prosperity of the masses of our people? Is this objection from a commercial standpoint? If so, let me inform those high-minded patriots, with a lively appreciation of their own interests, that they know nothing of the character of this race. The Chinese do not now nor will they purchase from any source anything whatsoever that they can do without; they will purchase from the cheapest source; they will sell to us all they have, if we will pay for it, for the reason that they are confronted with conditions that

compel them to do so. To do otherwise would mean their starvation.

Mr. President, the people of the Pacific coast do not desire to maltreat, to persecute, or to deport the Chinese now within our borders. They recognize their rights under the treaty to remain and enjoy them until they voluntarily leave, and hence do not desire to interfere with them. But we would and will, if possible, prevent the further incoming of this race or the return of those who shall voluntary leave.

We would have this nation follow nature's laws and integrate a higher type of our civilization, one more distinct, special, more American, and would protect its evolution from all danger, real or threatened. We would first take care of ourselves, recognizing that in so doing we were making our "greatest contributions to the welfare of humanity."

In other words, Mr. President, we would not permit the purity and sweetness of our national waters to be contaminated or polluted by the mingling of its pure streams with the impure from any source whatsoever. We would first use of them whatever portion we require and then permit them to flow on and to the fullest extent possible purify the noxious streams of less fortunate conditions

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CHINESE EXCLUSION.

SPEECH

OF

HON. JAMES G. MAGUIRE,

OF CALIFORNIA,

IN THE

HOUSE OF REPRESENTATIVES,

Friday and Saturday, October 13 and 14, 1893.

WASHINGTON.
1893.

CALIFORNIA STATE LIBRARY

SPEECH

OF

HON. JAMES G. MAGUIRE.

The House having under consideration the bill (H. R. 3687) to amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May 5, 1892—

Mr. MAGUIRE said:

Mr. SPEAKER: The measure now before this House is of tremendous importance to the Pacific coast, especially to the State of California. More than one-third of all the Chinese inhabitants of the United States are located in the city of San Francisco, most of them in the district which I have the honor to represent. I shall not attempt to go over in detail all of the grounds upon which the people of California object to Chinese immigration and upon which they object to restoring the privilege of residing in this country to the Chinese, who by their own defiance of our laws have forfeited that privilege.

This task has been most fully and ably performed by my distinguished colleague from California [Mr. GEARY]. To him more than to any other man has the great West looked for the defense of its interests in this contest; and it gives me pleasure to testify that in his effort their expectations have been fully and splendidly realized. If anything was wanting to complete his defense of our position it was furnished in the masterly and thorough argument of the gentleman from New York [Mr. BARTLETT]. But there are some phases of the Chinese question which have not yet been discussed as I think they should be, and to them I will devote my time.

THE QUESTION OF PHILANTHROPY.

I am opposed to the extension of the period of registration for the Chinese, and I base my opposition upon a love of humanity as broad and as deep and as strong as that which animates the gentleman from Massachusetts [Mr. MORSE] in his mistaken zeal for the improvement of Chinese civilization and the salvation of Chinese souls. I have no prejudice against the Chinese people, no desire to injure them nor to see them injured or oppressed. It is in no spirit of harshness or unkindness to the Chinese that I oppose their immigration to, and their residence in, our country. I base my opposition upon my love for our Caucasian civilization, upon my love for the glorious institutions of liberty, equality, and justice which constitute the crowning glory of my country, and to the defense, support, and promotion of which the life and property and sacred honor of every true American are constantly pledged and dedicated.

I stand upon the universal, God-given right of self-defense, which belongs to communities and to nations, as well as to individuals, and I insist upon the right and the duty of self-defense for our civilization, which is the soul of our national life, as fully as the right and duty of self-defense against armed assailants of our physical autonomy is recognized.

From the dark ages of universal tyranny and slavery, through centuries scarred by the agonies and stained with the blood and tears of God's noblest children, our civilization has been evolved, and eternal vigilance is the price of its preservation.

Those scarred and blood-stained centuries represent the gulf between our civilization and the semibarbarism of China. Can these civilizations be mingled, with advantage to the lower and no harm to the higher? That is the theory of the Eastern philanthropists, but it is directly contrary to the knowledge which the evidence of actual experience has given to the West. That experience has demonstrated that, in meeting and mingling, the higher civilization loses a hundred fold more than the inferior gains.

On the abstract question of philanthropy we are not far separated from our Eastern brethren, but, as they see the Chinese problem only in the abstract, they are in no such position as that which we occupy, to balance and compare the advantages and disadvantages of Chinese immigration to the cause of humanity and civilization. The wide difference of sentiment between the East and the West on the Chinese question is not due to any fundamental difference in our principles; it is due to the difference between our tolerably complete knowledge of the question and your imperfect knowledge of it. You see the hardships imposed by our Federal laws upon the Chinese, and your sympathies go out to them because you do not see the other side of the picture. We see the oppression, misery, degradation, and slavery to which our own laborers are reduced as a direct result of Chinese immigration. We see that the imported Chinese coolies are mere agencies in the hands of monopolists—domestic and foreign—by which our own people are gradually reduced to a condition of wretchedness approximating to the social condition of the Chinese slaves, and without the slightest feeling of malice against the unfortunate Chinamen we demand their exclusion and their deportation as necessary measures of defense to our own people.

GEARY ACT MILD AND HUMANE.

The bitter attacks which have been made upon the Geary law in the press and in the pulpit, and upon the floor of this House, are without foundation and unjustifiable. That law was not, in any sense, harsh. It was mild and humane. It was not a deportation law, but a registration law. Under its terms no Chinaman lawfully in this country at the time of its passage was to be deported, provided that he should, at any time within one year after its passage, make up his mind to abide and obey its simple, easy, and convenient requirements. Every Chinaman was permitted to determine for himself whether he would comply with the law or submit to deportation as an alternative, and he was given a whole year within which to make up his mind on that question.

Why did the Chinese refuse to register? Why did they refuse to submit to a reasonable regulation, such as all of the great nations of the earth impose upon aliens sojourning within their borders?

That regulation can scarcely be distinguished from the passport system established and enforced by nearly all of the great civilized nations. The wisdom of such laws among highly civilized nations has been questioned; but the obligation of a citizen of one country, going into the territory of another, to respect the passport laws of that country has never been questioned before.

The gentleman from Kentucky [Mr. McCREARY] explains their failure to register by saying that they were advised by their employers and friends and by the lawyers whom they consulted that the regulations thus made by Congress were unconstitutional, and, relying upon that advice, they refused to comply with the law.

The McCreary bill, now under consideration, is practically an act to relieve them from the consequences of their violation of the Geary law on the ground that they were misled in the matter by the advice of their lawyers. Now, sir, it is a matter of general knowledge, wherever the Chinese live in any numbers, that no Chinaman who refused to register was animated by any motive or judgment arising within himself, but was absolutely controlled and directed in his violation of our law by an edict issued by a combination of Chinese slave-owners known as the "Six Companies."

It is a matter of common knowledge, sir, that nearly all of the Chinese laborers in this country have been imported practically as slaves, and are owned, at least for the time of their residence here, by these six importing Chinese companies. It is also a matter of common knowledge on the Pacific coast, and it can be easily proved to the satisfaction of any man upon this floor, that these companies have been constantly engaged in the fraudulent importation of Chinamen into this country during the whole period of our legal restriction and exclusion, in defiance of our laws. Sufficient evidence of this is to be found in the report of the select committee on immigration and naturalization, sent by this House to the Pacific coast in March, 1891, to investigate questions arising under the Scott exclusion act.

The testimony accompanying this report shows that, in spite of the exclusion acts that had been passed prior to that time, Chinese were being smuggled in over the British Columbian and the Mexican borders of the Pacific coast States and Territories constantly.

What was the motive of the Six Companies in opposing registration? It was, plainly and clearly, their purpose to prevent the authorities of this country from providing any satisfactory means of identifying the fraudulently imported coolies whom they were bringing in. A great and lucrative part of the business of the Six Companies will be destroyed the very moment that a means of absolute identification of those who have a right to be here is established. It is impossible, owing to the absolute disregard of truth among the Chinese, and the cunning and skill displayed by them in all their evasions of our laws, to make proof by parol to the satisfaction of any court, of the fraudu-

lency of any substantial part of the illegal importations thus effected.

As long as the Six Companies can prevent us from making satisfactory rules for the identification of those who have a right to reside here, and consequently a means of identifying those who come in fraudulently, their trade will flourish, their importations will continue, and they will grow rich by persistent violations of our laws. They issued their edicts forbidding the Chinese to register, and those who dared to defy our laws dared not defy the laws and the judicial institutions existing in this country among the Chinese, and to which they submit with absolute and unquestioning obedience. They did not refuse to register because of any personal objection that the individual Chinaman had to registering. They refused to register because they feared the iron bars and the pistols of the "highbinders," who threatened to mete out Chinese justice to those who would comply with our law, far more than they feared any law or institution of this country.

In the city of San Francisco where I reside, and within the district which I represent, there are, and have been for twenty years, secret Chinese tribunals, dealing with offenses against the regulations of the Six Companies, dealing with offenses and obligations arising between Chinamen, and executing their Chinese edicts with a rigor and a harshness unknown to the execution of any law ever made by the regular lawmakers of this country; aye, often executing the death penalty with a certainty and a ferociousness which makes the individual Chinaman fear and obey them, and which drives him back into his contractual slavery in spite of our constitutional and statutory guaranties of individual liberty. They know no liberty. Though they are in a land where personal liberty is guaranteed by the Constitution and the laws, they dare not demand the legal rights given them by our institutions.

Compliance with the Geary law was easy. Compliance with it would have secured to those lawfully within our borders the right to reside here just as long as they might desire. But the willful refusal to comply with its provisions imposed certain clearly defined consequences which they have chosen to take rather than to register. In obedience to the decrees of an alien institution in this country, and of alien laws—an Asiatic form of government within our Government—more rigorous and more effective than our laws, they have chosen deportation as a consequence of their refusal to register. That consequence does not flow from our action. It flows from their choice, deliberately made, upon a full year's consideration.

The gentleman from Kentucky [Mr. McCREARY] in attempting to show that the enforcement of this law against the Chinese would be a disgrace to our civilization, said that no other nation had done anything that would compare in infamy with our purpose of deporting eighty-five thousand Chinese residents of this country and sending them to the home from which they came, to the country to which they still owe allegiance, to the country to which they look for protection, and through whose ministers they now appeal for every claim of right which they assert under our treaties or our laws.

Mr. McCREARY of Kentucky. I think my friend has unintentionally misrepresented me.

Mr. MAGUIRE. I do not think I did.

Mr. McCREARY of Kentucky. I want to state wherein I think the gentleman misrepresented me—not intentionally, of course. I voted for the Geary act; I was in favor of its enforcement. One year having elapsed, I think under the circumstances, as the Chinese were misled by the opinions of their attorneys, they ought to have six months more in which to register. If that is what the gentleman represented me as saying (for I was not in the Hall when he made the remark) then he represented me correctly.

Mr. MAGUIRE. Let me state substantially what I said; and I think the gentleman will find no reason to object.

The gentleman from Kentucky in speaking of our enforcing the Geary law at this time, according to the conditions which that law and the subsequent action of the Chinese people have created, and deporting 85,000 Chinamen now domiciled here, remarked that such a course would disgrace our civilization, and would involve a violation of the rights of humanity, such as no other nation has ever committed. That I understand to be his statement.

Mr. McCREARY of Kentucky. I said in substance (my speech is printed) that if we should now undertake to deport 85,000 Chinese who were misled by their attorneys, and who in my opinion desire now to register, it would be an act the like of which we could not find in modern times.

Mr. MAGUIRE. Now I say there is no self-respecting nation in the world that does not, when its passport laws have been wilfully and persistently violated, expel the alien who refuses to comply with those laws. I say that citizens of foreign countries who visit the most highly civilized nations of Europe must show their passports, must show their right to be in the country, or they must get out, if the laws require a passport. And this is an answer to the much-heralded claim that in the enforcement of the Geary act we require a Chinaman to prove his innocence, and put the burden of proof upon him for that purpose.

Mr. McCREARY of Kentucky. Will the gentleman allow me to ask him one question?

Mr. MAGUIRE. Yes, sir.

Mr. McCREARY of Kentucky. Do we impose the same restrictions upon any other class of people within the United States that we do upon the Chinese?

Mr. MAGUIRE. No, sir; because we have no other class of people who so persistently defy our laws and trample upon our institutions.

Mr. McCREARY of Kentucky. Does any other nation on earth impose such restrictions upon foreigners visiting the particular nation as we do upon the Chinese?

Mr. MAGUIRE. You mean in exact provisions?

Mr. McCREARY of Kentucky. Yes, sir.

Mr. MAGUIRE. I do not know of any provisions in precisely the same terms. The Australian colonies have adopted a system very like ours for their protection. My colleague [Mr. GEARY]

informs me that France has such a registration law applying to all aliens.

Mr. McCREARY of Kentucky. Does the gentleman say that France has any such law operating on any class of people going to France as we have to-day in operation against the Chinese—the law known as the Geary law? I believe no man can say that such is the fact.

Mr. MAGUIRE. My information is furnished by my colleague [Mr. GEARY], who will answer the gentleman's question.

Mr. McCREARY of Kentucky. Is there in France any law compelling any man going there to register and prove his residence and providing that he shall be presumed to be guilty of not having a residence in the country unless he shows the contrary?

Mr. GEARY. My colleague [Mr. MAGUIRE] yields for a moment that I may answer the gentleman. France has a law requiring that all aliens coming within her borders for the purpose of engaging in trade shall register and take out a certificate; and penalties are attached to the violation of that law, just as we attach penalties to the violation of our laws. There is nothing new about such a provision. Mexico had such a law, up to 1867, requiring all aliens within her borders to register; and when this Government made demand upon Mexico for redress of injuries inflicted on Americans in that country the answer made by the Mexican minister was that the persons claimed to have been injured were not registered, and, therefore the Mexican Government was not responsible for any injury inflicted upon them.

A law exactly similar to this was passed by England under George III on three different occasions, and I can not find any record of its ever having been repealed.

Mr. McCREARY of Kentucky. Did they have to prove residence?

Mr. GEARY. No; but the absence of the certificate is a sufficient proof to the contrary. We do not make a man who takes out a license to sell liquor prove his residence; but we say his business shall not be continued unless he exhibits the certificate to the proper authorities.

Mr. McCREARY of Kentucky. Would it be presumed if you were arrested in France that you were guilty until you proved yourself innocent?

Mr. GEARY. My friend can find an answer to that in the practice of our courts.

Mr. McCREARY of Kentucky. I am not talking of the practice of the courts, but of France.

Mr. GEARY. Well, I did not have an opportunity of visiting France in the capacity of my friend. I presume he was allowed to go without it and not required to make proof either. [Laughter.]

Mr. MAGUIRE. The gentleman from Kentucky is exercised perhaps because he was not asked to register over there.

SIMPLY A PASSPORT SYSTEM

Now, Mr. Speaker, there is an apparent harshness in the statement that a man charged with an offense must prove his innocence—that there is a presumption of guilt if a man is charged

with refusing or failing to comply with the law. If a Chinaman is unjustly charged with violating the registry provision of the Geary law, he is himself necessarily possessed, not only of the knowledge, but of the exclusive evidence of his right to reside in this country. Why should he not be required to produce it just as I would be compelled to produce my passport if I should visit France or Germany.

A demand for the passport of an alien is not a trial for crime.

While a violation of the registry provision of the Geary act involves a forfeiture of the violator's privilege of residing in this country, it is not a crime in itself.

The Geary law simply provides, substantially, that no Chinese person is presumed to have a right to be in this country unless he has the certificate which the law requires him to take out. That is made the sole evidence of his right to be in this country. It is made at once the exclusive and the conclusive evidence of that right. When he is charged with being here unlawfully and says: I am here lawfully, the court says, produce your certificate: That is the affirmative proof of innocence about which these gentlemen have been talking—simply that and nothing more. He carries in his pocket, under the law, the exclusive evidence of his right to be here, if he has a right to be here, and the law simply requires that he shall put his hand in his pocket and produce that exclusive evidence of his right when it is demanded.

Mr. BOWERS of California. Just the same as you would have to do when you went to Europe.

Mr. MAGUIRE. It is as my friend suggests, as if I went to France, not as a commissioner of finance but as a common citizen of this country, I would be required to exhibit my passport whenever requested to do so by a proper officer. I would be asked to prove my right to be there and would have to produce my passport, just as the Geary law requires the Chinaman to produce his passport—certificate of registration—which is the exclusive evidence of his right to be and to remain in this country.

Now, Mr. Speaker, the immigration of Chinese to this country and the residence of Chinese amongst us has been to us a curse and a blight. The Pacific coast has felt this, of course, more deeply than any other part of the country. The Pacific coast receives them. Nine-tenths of the Chinamen coming to this country have been sifted through San Francisco. They have been, to some extent, filtered through the rest of the country, but the great burden of all the incubus and of all the hardships resulting from Chinese immigration have fallen on the Pacific coast States and Territories.

Mr. MORSE. Will the gentleman answer me what the relative proportion is between the Chinese and the white population in the Pacific States?

Mr. MAGUIRE. In the district which I represent there is a vastly greater number of adult Chinese male population than of adult males of the Caucasian race, citizens and aliens combined. That is the situation there. That was true of the whole city of San Francisco, according to the statistics, until quite recently. I believe it to be the condition in San Francisco now. I believe

the census returns of Chinese population in San Francisco to be wholly and grossly inaccurate.

I do not impute any fault to the census bureau in the matter. It is simply impossible to get an accurate return of Chinese population without their active coöperation. Ever since 1880 they have had a strong motive for concealing their numbers, and I believe they have done so.

Mr. WEADOCK. Let me ask the gentleman when it was that you had a vote on the question of Chinese immigration on the coast?

Mr. MAGUIRE. In 1879.

Mr. WEADOCK. Was not the result of that vote 150,000 against admitting the Chinese to 600 in favor of it?

Mr. MAGUIRE. One hundred and fifty-four thousand in opposition to their immigration and 883 in favor of it, if my memory serves me right.

Mr. WEADOCK. One hundred and fifty-four thousand against Chinese immigration?

Mr. MAGUIRE. Yes, sir.

Now, Mr. Speaker, from the social standpoint, from the moral standpoint, from the sanitary standpoint, from the industrial standpoint, Chinese immigration has been a curse and a blight upon the fairest portion of this great land of ours for thirty years. California is the garden spot of the American Union and she has been well nigh reduced to the level of a Chinese colony. The exclusion acts have happily preserved her from that fate, but the exclusion accomplished by those laws has not been by any means complete or perfect.

Such laws are extremely difficult of enforcement directly because of the vast lengths of our unprotected coast and border lines, across which they come almost at will.

The Geary law has vastly simplified the enforcement of exclusion, and although little has been done to carry out its purpose, our people look with dread upon the threatened surrender of any of its advantages.

Now, I do not intend to discuss the course of the present Administration in the enforcement of the Geary act since the 5th of May, 1893, but I am bound to admit that it needs defense.

I believe that the Treasury Department has, from the beginning, done its duty fairly; that it has recognized a law regularly enacted by this Congress as a sacred thing, which it is the duty of the executive department of this Government to enforce until it is repealed.

But there has been great complaint, and just cause for complaint, on account of the course pursued by the Department of Justice of the present Administration. That, perhaps, has been sufficiently discussed by my colleague [Mr. GEARY], and in the letter read by my colleague [Mr. BOWERS of California], addressed by Judge Ross of that State to the Attorney-General of the United States. Why did not the Department of Justice proceed with deportations to the extent of the means at its disposal? Why did it not deport the two Chinamen who were remanded by the United States Supreme Court for deportation in the test case? If the reason has been communicated to any member of this House I would like to hear it.

THE CHINESE HIGHBINDERS.

There are thousands of professional Chinese criminals, known as highbinders, in this country, hundreds of whom were pirates in China. Banished from that country they came to our shores, to burglarize our houses and to swell the ranks of the overstocked highbinder societies here.

A large proportion of these wretches are now subject to deportation for failing to register under the Geary act, and one of the worst features of the McCreary bill is that it will restore to them the privilege of remaining in this country.

Mr. BRETZ. What is a highbinder?

Mr. MAGUIRE. A highbinder is just what the gentleman from New York [Mr. BARTLETT] described him to be. A highbinder is a professional blackmailer and murderer, a man whose business it is to levy tribute upon the industrious people of his race, and upon the fallen women of his race, and who in case of denial to himself or to his society, will enforce the payment of that tribute by violence and murder in the most brutal and revolting forms.

Mr. BRETZ. Chinamen or white people?

Mr. MAGUIRE. Chinamen entirely. Do you mean to ask if the highbinders assault white people?

Mr. BRETZ. Yes.

Mr. MAGUIRE. Not in San Francisco, just yet.

In this behalf, it is probable that they are more strongly influenced by the fear of what the white people would do than by moral considerations. A Chinaman who will murder another Chinaman for money would probably not be restrained from murdering white men by conscientious scruples alone.

Now, sir, immediately after the decision rendered by the Supreme Court of the United States, affirming the validity of the Geary act, and establishing its constitutionality, the chief of police of the city of San Francisco offered, through his officers, who are thoroughly familiar with Chinatown and with the Chinese population, to point out one thousand highbinders—professional criminals—who had been satisfactorily shown to be such, in the course of his dealings with them, and asked that, as they had not registered, the deportation laws should be put into force against them first, and that they should be driven out.

In that way it was hoped to get rid of that element, with an element which it controls, the Chinese female slaves who have been imported to San Francisco and scattered around the surrounding towns for immoral purposes. It was proposed that they should be driven out, and a part of the moral cancer which they brought with them thus cut away and removed from the State.

If that had been done, if to the extent of the means available the suggestion of the chief of police had been accepted, and one thousand—a small proportion of the Chinese criminal element there—had been deported, the people would have felt much more kindly toward the proposition now made of giving to the Chinese another chance for registration. These highbinders have prevented their fellow-countrymen from registering, at the behest and command of the Chinese Six Companies, and the people felt that, when this great class of criminals and moral lepers had

placed themselves within the reach of our laws for deportation, they should be promptly dealt with. It seemed as if the time long and patiently awaited had come, when, under the laws of our country, their privilege of remaining here would be canceled, and California relieved of that portion of its moral scourge.

But the people's hopes were not realized, and now the proposition is to restore to all those people, as fully as to all other Chinese, the right to register, the right to remain, the right (or opportunity) to carry on their infamous traffic, and execute the Asiatic laws now prevailing in that portion of San Francisco occupied by the Chinese. If the law had been enforced to that extent, or if the law remaining unrepealed and unamended shall be enforced to that extent, until the highbinder element shall be banished, there would be far less objection to extending the period of registration, under proper safeguards, to those then remaining. I do not mean that we should now give any direction that any particular class of the Chinese who have forfeited their rights to live here should be selected by law for deportation; but if the Government, exercising the powers and the means given to it by this Congress, should go on for the next two years trying and deporting that class of Chinamen, as we would have the right to do, one great object would be achieved.

Only a certain number, as the gentleman from Kentucky [Mr. McCREARY] showed the other day, can be tried and deported within a given time. It would take two years to get rid of the classes that bear the brand of at least one term of penal servitude for violations of the laws of California.

Why not let the Geary law stand as it is for two years, provide a reasonable fund for the deportation of those with whom the courts can deal in that time, and let the worst element of our Chinese population be disposed of before we further discuss the propriety of giving the less objectionable another chance to register?

If that should go on for two years under the provisions, as to means, made by this Congress, the Chinese population would be very largely scattered from San Francisco; the vilest of its criminal elements would have been sent from our shores entirely; a better feeling would prevail everywhere concerning the treatment of the Chinese question; and we might then, with a safety which we can not count on now, reopen to such Chinese as might then remain in the country the opportunity for registering, if we should deem it wise, under the conditions then existing, so to do. But until the most offensive, the most degrading, the most destructive influence of the residence of the present body of Chinese in this country shall be removed, under the right which they themselves have unquestionably given us, any provision for extending the period of registration will be a severe blow to the interests of the Pacific States.

PRIVILEGE ROBS LABOR.

The people of California are unanimous—no, not quite unanimous——

Mr. MORSE. Right there will the gentleman allow me to ask him a question?

Mr. MAGUIRE. No; not yet. Let me finish what I am about to say and then I will answer your question.

I was going to say that the people of California are unanimous in their desire to be rid of this element; but unfortunately there are some Californians who are in a position to enjoy the benefits, the substantial benefits, flowing from a system of civilization such as the gentleman from New York [Mr. SICKLES] presented here as one agreeable to his mind—the lowest wages at which servile labor can possibly be secured, and an aristocracy of employers growing rich by their privilege of appropriating the fruits of others' toil.

The gentleman favors a higher standard for American labor, but it is manifestly impossible to maintain one standard of wages for American labor and another for alien labor, competing in the same market, with natural opportunities equally closed against them.

The principles of democracy, in accordance with the laws of God, recognize but one rule of right among men. That rule of right awards to labor all that it produces. It is utterly incompatible with the asserted right of any class to live, by privilege, upon the labor of others.

Cheap labor is labor that is worth more than its wages—labor that produces more than it receives—and any industrial system which compels labor to give up to a privileged class any portion of the wealth which it produces is a system of robbery, abhorrent to the laws of God and destructive of the primary principle of human association—justice.

There are a few hundred monopolists in California who favor Chinese immigration, because it furnishes them with cheap labor and enables them to live more luxuriously at the expense of the laboring classes. Now, I will answer the gentleman's question.

Mr. MORSE. My question, Mr. Speaker, is this. The gentleman speaks about no difference of opinion, and substantial unanimity in regard to the matter of restricting immigration of Chinese. I do not think there is any difference of opinion here about that. I think the House is a unit on the subject of restriction. The gentleman spoke about a vote that was had in California. That was several years since, of course.

Mr. MAGUIRE. It was in 1879.

Mr. MORSE. Of course that antedates the Geary law, which was passed by the Fifty-second Congress. I want to ask my friend from California if he understood that vote to which he has referred to be an indorsement of the Geary act? That is my question.

Mr. MAGUIRE. I understood that vote to be a declaration that in the experience of the people of California Chinese immigration was a curse; and that, for the benefit of the State of California and of our common Union, it ought to be stopped. It went no further than that, because there were no further questions presented to the voters at that time. It was an indorsement of the principle of the Geary act, although the act itself was not in existence.

Mr. REILLY. Mr. Speaker, will the gentlemen allow me to ask him a question?

Mr. MAGUIRE. Certainly.

Mr. REILLY. It is this. If there had been no question about

the validity of the act of 1892, the Geary act, and it was thoroughly understood by the Chinese people themselves that it was to be enforced, what effect do you think that would have had in taking out of the country those who felt or knew they were unlawfully here? Would any great number of the Chinese have gone, voluntarily?

Mr. MAGUIRE. If on the 5th of May of this year, immediate steps had been taken to enforce the deportation clause of the Geary act they would have gone from our country in thousands, and they would have gone at once.

Mr. REILLY. Well, now, if the bill reported by the Committee on Foreign Affairs, extending the privilege of registering for a period of six months only is passed, and it is understood that it is to be enforced, would it have the same effect?

Mr. MAGUIRE. It would not be understood that it would be enforced. The attorneys for these six companies are already telling their people that, as the vote in the Supreme Court of the United States (I use the word vote most respectfully) stood 5 to 3 on the constitutionality of the Geary act, with one justice absent, who is supposed by them to be opposed to the decision of the majority of the court; with a new judge, supposed to be in sympathy with the Eastern sentiment on that subject they will be able, if a new law be passed and a new test case presented to the Supreme Court of the United States, to have the registration and deportation act declared unconstitutional by that court. They are counting upon it. They are advising their clients in that way to-day. They will make the contest. This will be a battle to the death on the part of the Six Companies, and as long as the "highbinder" influence can coerce the individual Chinese, any law which will destroy the importing business of those companies will be resisted.

Mr. MORSE. Let me call the attention of the gentleman from California to a statement made by the chairman of the Committee on Foreign Affairs. He is a gentleman who does not speak at random, and I believe he spoke advisedly when he said as I remember, that he had information that the Chinese would register if the time was extended six months.

Mr. MAGUIRE. Did he say that he had received that information from individual Chinamen, or from anybody authorized to speak for them?

Mr. MORSE. From somebody authorized to speak for them, I understood.

Mr. BRETZ. Who was that?

Mr. MORSE. He did not say, but we may infer that it was the Chinese minister.

Mr. MAGUIRE. He was asked who it was, because it was suspected that he referred to the Chinese minister, and because, on the Pacific coast, it has been supposed that the Chinese minister and the Chinese consul have been "standing in" with the Six Companies in their defiance of our laws.

Mr. PIGOTT. Let me ask the gentleman why it is that no amendment has been proposed excluding from the advantages of this extension act those persons who are known as highbinders and criminals?

Mr. MORSE. That is right. I would vote for that.

Mr. GEARY. Well, we will take your vote, and offer that amendment.

Mr. MORSE. All right.

Mr. MAGUIRE. We will present an amendment providing that the extension shall not operate to include any person who has ever been convicted of crime in this country.

LAND MONOPOLY AND THE LABOR QUESTION.

The gentleman from Massachusetts [Mr. MORSE] scouted the idea that 90,000 or 100,000 Chinese in this great country could be a source of any real hardship to the country, or any menace to our institutions, social, political, or industrial, and as one basis for his statement in that behalf he called attention to the magnificent, boundless, inexhaustible, natural resources of this country. Our natural resources are indeed measureless and inexhaustible, and if they were open to the people of this country on fair and equal terms—on the terms on which the great Creator gave them to mankind—the gentleman's argument on that phase of the question would be sound.

But these natural resources, without access to which labor can produce no wealth at all, are not open to the people. They are monopolized. Monopolized—in that word see, ye ages, comprised "the cause of the curses all annals contain." Chinese labor would not and could not oppress American labor if our lands were free, but, as it is, land monopoly and cheap imported labor are the upper and the nether millstones, between which American labor is being ground into serfdom and pauperism, as I will presently explain. The natural resources of the Pacific coast, the natural resources of our entire country, are the private property of a few individuals.

This great country, which we are pleased to call ours, belongs, by legal title, to a few landlords whose number and proportion to the whole people are annually growing less.

Every cheapening of labor, by any means, increases the market value of the land and the rent rolls of its owners; thus, by a double process, widening the gulf between the landless poor and our growing landed aristocracy. American labor, driven from the natural sources of independent self-employment, is forced to enter the labor markets of cities and towns and compete for employment with the cheapest labor that is there offered for sale.

Mr. MORSE. Who is responsible for that condition?

Mr. MAGUIRE. The people are responsible, because they have the power to correct the evil and do not exercise that power; but it is to be hoped that the people will ere long relieve themselves of that responsibility.

The monopoly of the natural earth and its God-given resources is the colossal crime of modern civilization, beside which all other oppressions of the poor are insignificant. Land is the exclusive source of human subsistence. All wealth, all means of physical subsistence, are extracted by labor from the natural earth. Indeed, man is a land animal in every sense. His food, his clothing, his shelter, his very body, all come from the land and all to the land return again. He must live upon the land and from the land, if he live at all. Even the sailor and the aeronaut are not exempt from these conditions of human exist-

tence, for the decks trodden by the one and the bars and ropes which support the other are of land.

The right to life, which we all regard as sacred and inalienable, can not be more sacred than the right of access to the exclusive means by which life can be supported. "You take my life when you do take the means whereby I live."

Yet, in this land of unexampled and unparalleled political liberty, a few men own and control the only source from which the masses of the people can draw their subsistence.

Those few have, therefore, the unnatural power to dictate the terms upon which the masses of the people of this country can live—to fix the terms upon which they may have access to the natural resources that the Creator made necessary to the support of their lives. The Creator not only made and freely gave those resources as a common heritage to all his children for their support and sustenance, but he is constantly from day to day replenishing and improving them by the operation of his natural laws.

The creative power, by its changing seasons, by its sunligh and its rains, and its drifting winds, by its processes of growth and decay in the vegetable and in the animal world, is ever building up and replenishing the elements of the land that yield subsistence for mankind.

The unquestioned legal right of our landed class to entirely exclude their fellow-citizens from the lands of our country involves the power to inflict all oppressions less than such exclusion.

We have, therefore, under the forms of the greatest political freedom, a land system which creates an absolute despotism, under which the land-owning classes are lords of the industries, the liberties, and even the lives of their landless fellow-citizens.

It is in connection with this institution and this condition that we must consider the question of Chinese immigration. To consider the question abstractly is not to consider it at all. Upon the abstract question of human rights we are practically agreed.

You plead for justice and humanity to 85,000 Chinese. I plead for justice and humanity to 60,000,000 of Americans, whose hard conditions of life are being made harder by competition with Chinese slavery.

You do not see that you are really pleading for an increase of the oppressive power of American landlordism, with very little if any good to the individual Chinamen in whose names you speak.

True, they will be slaves if they are returned to China, but they will be slaves if they remain in this country, and their presence here will tend to degrade our laborers to the level of slavery.

HOW LABOR IS DEGRADED.

The condition of land monopoly prevailing in this country tends to fix the wages of all labor according to the standard of living of the lowest class of laborers seeking employment in the country.

American labor is no longer free, because its natural opportunities for self-employment, although they are measureless and inexhaustible, as the gentleman from Massachusetts [Mr. MORSE] has said, are closed against it by monopoly. It can no longer

escape from an unsatisfactory labor market, but, in spite of the fact that wages bear no relation whatever to the value of labor, it must bid for employment against the cheapest labor that is offered there.

The tendency and the end of such competition in an overcrowded labor market where there is still an army of unemployed laborers, after all demands for labor have been supplied, is to reduce all wages to the line at which the unemployed surplus, facing the alternative of beggary and starvation, are willing to work.

I have seen the whole problem of labor's degradation worked out in practical life before my own eyes. Thirty years ago, sir, labor in California was comparatively free, because land was comparatively free there. Labor was then paid according to its production and not according to the lowest standard of living prevailing among the laborers as now. It was then worth what it produced and it was paid accordingly.

Laborers being then free to go upon the virgin soil and build their homes and establish their own industries, and being able there to comfortably feed and clothe their families and to educate their children in the standard branches of useful learning, were not obliged to remain in the labor market when it offered less favorable conditions. Then California was labor's "Promised Land." Then California was the last rampart from which the boasted and really glorious "standard of American labor" has been permitted to float.

Then there were in our land no tramps, few paupers, and no surplus labor in enforced idleness.

Then sparseness of population and the consequent lack of social advantages, imposed the only hardships that were known. What wonder that those who knew the freedom and the happiness of those conditions yearn for their return.

I saw the change of social conditions come. I saw the shadow of land monopoly steal over and encompass our Golden State. I saw a few hundred men become the absolute owners and masters of her great material resources, that were manifestly intended by their Creator to furnish homes and subsistence to 40,000,000 people. I saw an empire of her best and richest land pass by act of Congress under the dominion of a single, soulless corporation. I saw the gates of natural independence in home and industry closed against American labor.

I saw labor driven from its lucrative and independent retreats in the mountains and valleys into the markets of the cities and towns, there to be sold as a commodity at prices fixed by the laws of trade.

I saw the wages of American labor changed from the value of its product down to the price fixed by the alternative of pauperism, while the wealth-producing power of labor was increased, on the average, in all departments of industry elevenfold.

I saw the beneficiaries of monopoly manipulating the labor market to keep the price of labor down. I saw them importing, in tens of thousands, the coolies of China, not for the benefit of the Chinamen, as Eastern philanthropists persist in believing, but for the double purpose of bearing the labor market, by maintaining a surplus and of teaching American laborers to live on

the rations of Asiatic slavery. These beneficiaries, let me say to the gentleman from Kentucky [Mr. McCREARY], are the Californians whose brass bands and streaming banners heralded the dawn of Asiatic slavery on the Pacific coast in the ratification of the Burlingame treaty; and they, sir, would again furnish bands and banners to celebrate the resumption of their slave traffic if the Geary act were repealed.

In the great State of California, whose natural resources are confessedly capable of supporting 40,000,000 people, I saw the horrors that are supposed to result only from overpopulation, prevailing with a population of only 1,000,000.

I saw the millionaire and the tramp, contemporaneous menaces to our civilization, arise out of these conditions.

I saw the millionaire, without productive effort on his part, become a multi-millionaire, upon the tribute commanded by his purchased and granted privileges; and I saw the army of pauperism growing as he grew, and growing because of the conditions that made him grow—recruited by thousands from the ranks of unemployed labor—a ghastly procession of vice and crime, and rags and filth, and torment and despair, drifting listlessly, as "flotsam and jetsam" on the tide of our civilization, to whatever goal a just God may deem suitable at the close of their earthly hell.

These are the results as I have seen them on the Pacific coast, of land monopoly, supplemented by the importation of Chinese slaves. These are the conditions which we seek to mitigate by the enforcement of the Geary act.

The picture that I have drawn is no "distorted vision," no "distempered dream," but a stern tragedy in real life enacted in the open light of day. An awful tragedy on which the curtain rose within my memory, and upon the last act of which—the final triumph of humanity over monopoly—I hope to see the curtain fall within my lifetime.

DECLINE AND FALL OF ROME.

These results of land monopoly are not (excepting the Chinese slavery phase) peculiar to California or the West.

They prevail throughout the civilized world, wherever our land system prevails; but in the older sections of our country the change from free conditions antedates the earliest recollections of the generation now upon the stage of public life, and the Chinese phase of our Western problem has no parallel east of the Rocky Mountains.

But it has a striking parallel in the history of the decline and fall of the civilization and power of ancient Rome.

Macaulay tells us that "in the brave days of old," when Rome was mistress of the world: when to be a citizen of Rome was esteemed the proudest privilege of manhood, her "lands were fairly portioned" among her citizens. In the period of her decline and fall the lands had become the property of a few great landlords who employed slaves to work them. The landless citizens, thus excluded from the poor privilege of working as laborers upon the lands which once their fathers owned, drifted helplessly to the cities and towns, and there, in the helplessness of enforced idleness, they sank into pauperism and vice. Their debased suffrage became mere merchandise in the market, thus

extending instead of controlling the powers of the monopolists. The soldiers of Rome became supplicants for alms, and their children hereditary paupers. The outer form of her official life alone preserved the semblance of Rome's departed glory. Then Rome fell, and, over the sepulchre of her once splendid civilization, her epitaph was written: "*Latifundia perdidere Italiam*" ("Great estates ruined Italy").

Shall history be permitted to repeat itself? Shall the lords of our land be permitted to work it with slave labor? Shall they be permitted to exclude our brethern, and our fellow-citizens from the poor privilege of earning their living as hired laborers upon the land in which, by natural right, they have an equal interest with the landlords themselves?

Shall they be permitted for their private gain to bring upon our country the curse that shattered the Empire of Rome? Shall they be permitted to turn our civilization backward, and make the ages of its development droop again?

No; this is our country, this is our civilization. Their preservation is our first, and our highest duty, and is the truest friendship to mankind.

We of the West do not yield to the people of New England in love of humanity. As a native son of New England I glory in her devotion to the cause of liberty, and civilization. Our warfare is not against the unfortunate Chinamen. We would rather help them than hurt them.

We are struggling to preserve our own people from the hell of slavery that yawns beneath them. That accomplished, we will, in proportion to our numbers and our means, match every dollar and every effort that New England will contribute for the enlightenment and civilization of the Chinese, and for the betterment of their moral and social condition. Until American labor shall be made free we demand that it be protected from the competition of slavery. The emancipation of our own labor is the only just alternative for the exclusion and deportation of the Chinese. This brings me to the discussion of that alternative—the emancipation of labor.

HOW TO MAKE LABOR FREE.

The gentleman from Massachusetts [Mr. MORSE] asked: "Who is responsible" for the condition of land monopoly prevailing in this country, and I answered that the people are responsible, because they have the power to correct the evil and do not exercise that power.

The question is pertinent and important, because if the greatest evil of Chinese immigration results from faults in our land system, it may well be asked why we do not cure those faults and let the Chinese remain.

The gentleman's question, touching as it does the very heart of the great social conflict now agitating the civilized world, deserves a more complete and a more detailed answer.

The remedy which I propose for the evil of land monopoly is simple, just, practical, and unquestionably sufficient. It is this: To appropriate to public use, by taxation, for the support of our Federal, State, and municipal governments, the entire rental value of all land, irrespective of improvements, and to abolish all other taxes.

Would that be just? If it would not be just it would not be expedient. I hold that no permanent good ever resulted from an act of injustice. "Never yet did men or nations prosper finally in wrong." Entertaining these views and believing with Daniel Webster that "Justice, sir, is the great interest of man on earth," I am fully convinced, after mature deliberation, that the remedy is not only just in itself, but that it embodies the only means by which justice can be permanently and universally established among men.

Land is the common heritage of all mankind. It was freely given by the Creator, with all of its elements and all of its powers, for the equal use and sustenance of all mankind. It was not given to any one generation, nor to any class or classes in any generation, but equally to all mankind, from the first child of nature to the last human creature who shall inhabit the earth.

Land is the common heritage of every child of God—not as the heir of his natural father, not according to the possessions or the will of his natural father, whose right to land perishes with his own life—but as the direct heir of the Universal Father, from whom the right to life, to liberty, to air, to sunlight, are likewise directly inherited.

The true province of government is to regulate the use of this heritage by its citizens while preserving to each his equal right therein.

Why do men monopolize land?

To cure the evil of land monopoly the motive for it must be clearly understood in order that the incentive may be intelligently removed. Is the motive self-aggrandizement, or is it malicious, or is it mercenary? Our common experience is alone necessary to determine the question.

The motive is almost wholly mercenary. The desire for power over other men has its influence, but it is purely incidental.

Profit, either present or prospective, is practically the sole inducement to land monopoly. That profit is yielded either in present ground rent or future enhancement of the land value.

What is ground rent, and why does land, the natural elements and qualities of which remain unchanged, continue to advance in value in all growing communities?

Who produces the rental value of land? What influence has Chinese slave labor upon ground rent?

Ground rent is the landlord's share of production. It is the tribute charged by the owner of the natural earth for allowing others to use it. Its measure is stated by Ricardo to be, referring to any given piece of land: "the excess of its produce over that which the same application can secure from the least productive land in use."

In practice it may be generally stated that the rental value of any given piece of land is the difference between the average value of its product and the average cost (labor and capital) of production, for the period of the lease.

It is therefore manifest that whatever increases the value of the product, without increasing the cost of production, increases ground rent, as: an increased demand for the product, resulting from increase of population, or other cause, or an improvement in the quality of the product.

It is also manifest that whatever reduces the cost of production tends to increase ground rent, as: a reduction of the wages of labor, inventions of labor-saving machinery, and improvements in the methods of combining and subdividing labor.

Thus it is that, under our land system, every contribution to material progress, as well as every reduction in the wages of labor, attaches itself to the land and inures to the benefit of the landlords in increased ground rent.

For example, let us suppose that a given farm, or a shop or store site, which can be operated by one man, will yield a ground rent of $150 per year, when the standard wages of the required labor are $2 per day; if the wages of such labor be generally reduced to $1.75 per day, the cost of productively using that land will be reduced about $75 per year, and the amount of that reduction of cost can be added to the rent, unless, as another result of the reduction of wages the price of the product also goes down in the market.

Making an allowance of $40 on account of the reduction in the price of the product (a very liberal allowance), we have a net saving of $35 per year, which the landlord can add to his rent. This is the primary effect, only, of the reduction of wages upon the value of land. There is another effect equally important. A piece of land which will yield a certain amount of rent annually as a net income, is worth as an investment twenty times the amount of its annual net rent.

Therefore, an addition of $35 per annum to the rental value of the land in question would increase its market price $700.

Thus, the reduction of 25 cents per day in the poor man's wages not only lessens his purchasing power to that extent, but actually adds $700 to the price of the home which it is his life's ambition to secure.

This is the result which every reduction of wages brought about by Chinese competition has produced in California.

This is the result which, with greater or less intensity, is being produced by land monopoly everywhere.

The displacement of labor by labor-saving inventions drives the displaced laborers into the market to swell the army of the unemployed. The natural opportunities for the redistribution of the labor thus displaced being closed by monopoly, competition among laborers is intensified, wages reduced, and rent correspondingly increased.

This is the process which is enslaving labor and exalting landlordism everywhere.

PUBLIC ENTITLED TO ALL GROUND RENT.

We have now seen, in brief outline at least, what ground rent is and how it arises. We have seen that it is an increment of value produced and imposed upon the natural earth by the presence, industry, enterprise, inventiveness, and virtues of the whole people of each community in which it arises.

We have seen that it absorbs all of the general advantages of the material progress of the whole people; that to the landlord it is in every sense an unearned increment to which as landlord he does not in anyway contribute.

Merely permitting labor to use land productively is not a contribution to production, because the land, with all of its useful ele-

ments, was given to mankind by God, and would have been accessible to labor if the shadow of landlordism had never darkened the horizon of our civilization.

The landlord is not entitled to the rental value of his location, because he does not produce it.

The community is entitled to the rental value, because the community does produce it. Every value belongs of natural right to him whose labor or service produces it, and without whose labor or service it would not have existed. It is immaterial whether the value be produced by one person, or by ten persons, or by a million persons. It belongs to those who produce it—individually, if it be individually produced, collectively, it it be collectively produced.

The argument in favor of leaving the accrued rental value of land, that is, the unearned increment which has already attached to land, to the present owners, is based upon a mistake of fact. There is no such thing as an accrued rental value attaching to any land. All future rental values of land depend upon what the people will do in the future, and not at all upon what they have done in the past.

It is, therefore, just for the people who produce the rental value of land to take that value by taxation for their public uses.

This rule applies to all land whether it be owned by landlords or by speculators or by its immediate occupants.

The value which the public gives to the location should be paid to the public by the person who is in a position to control or appropriate that value.

As the landlords have confessedly no moral or legal right to compel the people to put forth the enterprise and industry necessary to produce and to maintain the rental value of their lands, they certainly can have no moral right to privately appropriate any of the direct or indirect results of such enterprise and industry as the people may voluntarily put forth.

As to improvements, the man who plants an orchard, or digs a ditch, or builds a house or a fence should pay no more taxes upon his orchard or his field or his lot than he would be required to pay if he had made no improvements whatever.

The value of the improvements belongs to the man who makes the improvements, by the same rule of right which awards the value of the location to the people who produce it; and a wise concern for the public interest dictates the encouragement of improvements by exempting them from taxation, rather than the discouragement of improvements by placing any kind of burden upon them.

The man who builds a house or plants an orchard increases the means of satisfying human wants, and is a benefactor of mankind in spite of the fact that his motive may be purely selfish; while the man who keeps a foot of useful land out of use works a corresponding injury to mankind.

The expediency of raising all public revenues by a single tax on land values, as a substitute for all other forms of taxation, further appears in the fact that it would save nine-tenths of the expense and waste now involved in levying and collecting taxes upon personal property, upon imports, and upon business privileges, all of which taxes are regularly shifted from the primary

payers to the ultimate consumers—falling principally upon the overburdened farmers and laborers of our country.

Besides it would require men to pay taxes according to the advantages which they receive from the community, and not according to their necessities, as now.

As such a tax would bear upon land according to its value, and not according to area, and as the value of farming land is very small, by comparison with the value of land used for commercial and other industrial purposes, the small farmers—the most heavily burdened class under our present system—would find the single tax less in volume and far less oppressive in method than the complex and accumulated burdens of the direct and indirect taxes which now fall upon them with notorious inequality.

A tax on land values is the only property tax that always falls with proportionate equality upon all owners and that can not be shifted from the person paying it to the ultimate consumer or user. The reason that it can not be shifted is that while a tax on any other kind of property tends to check its production, and thus, by the law of supply and demand, to increase its price sufficiently to cover the tax, a tax on land values forces idle land into the market, increasing the supply of land offered for sale or lease, and thus, by the same law of supply and demand, reducing, instead of increasing, the rent. Heavy taxation of houses increases the rent of houses by the amount of the tax, but heavy taxation of land values decreases the rent of land. All political economists are agreed on that proposition, and it needs no argument.

Such a change in our taxation laws would not be an impairment of any vested right of landowners, because the power and right of taxation, to the extent of taking the entire rental value, whenever the public good may seem to require it, has been absolutely reserved to our governments, national and State, against every foot of land that has ever passed into private ownership in this country.

EFFECTS OF THE SINGLE TAX.

The effect of such a system of taxation upon the monopoly of land in this country must be instantly apparent. It would at once make such monopoly unprofitable and wasteful to the monopolist. It would at once take away the only incentive that now exists for the monopoly of land. It would compel all landowners to use their land productively, or at once let it go to those who would so use it.

Every user of land could afford to pay the margin of production or economic rental value of his land in taxes; but no man, above the mental level of a fool, would pay taxes amounting to the economic rental value of his land for the mere purpose of monopolizing it.

It would put an end to land speculation and the train of evils that follow ever in its wake. It would put an end to the collection of speculative rent, to booms, and to industrial depressions.

It would encourage the productive use and improvement of lands by relieving them of all public burdens, while insuring permanency of tenure, security of improvements, and security in the fruits of all productive effort.

It would forever settle the conflict between capital and labor

and, by improving the condition of labor, put an end to strikes and boycotts and lockouts.

It would make land freer to labor than it was in California forty years ago; freer than it was on the Atlantic seaboard two hundred years ago.

It would restore the once cherished dignity of American labor, and the grand individuality which was once the distinguishing characteristic of American citizenship.

As a relief to our overcrowded labor markets, it would be equal to the discovery of a new and free and fertile continent in the Pacific Ocean, and its advantages would be more permanent.

Will our New England humanitarians accept the alternative; rise with me to this higher level of philanthropy, and assist in securing and building up our own civilization, as the best means of extending its advantages to the people of China?

With this emancipation of American labor accomplished, we could safely receive and absorb and civilize twice as many Chinese as have ever been within our borders, and, at the same time, furnish an object lesson to the other myriad millions of China that would set her civilization a thousand years forward, within the span of a single decade.

Which then, I ask, is the truer philanthropy? Is it that which you advocate, by which the powers and unjust privileges of American landlordism would be increased, and our own civilization degraded, in order to secure to a few thousand Chinese the doubtful advantage of living in slavery in this country instead of living in the same slavery in their own country? Is it not, rather, that which we advocate, by which our own civilization will be preserved and lifted up from the influences that are degrading it, and a new impulse given to the civilization of the whole world, such as no other single act in the world's history has ever given.

Your charge of cruelty and inhumanity against us in our treatment of the Chinese is unfounded and unjust. Never have any people been more patient, more law abiding, or more considerate under the pressure of similar evils than have the people of California in their treatment of the Chinese people.

Chinese exclusion and deportation are merely measures of necessary self-defense, and are in no sense race persecutions. Our warfare is not against the individual Chinamen, but against the deplorable conditions which their immigration and residence bring to us.

As well might we charge the people of the East with cruelty and inhumanity to the unfortunate passengers of plague-stricken ships, when, in protecting yourselves from the ravages of cholera, you enforce your quarantine laws.

PHILOSOPHY OF HENRY GEORGE.

We can not permit the evils of slave competition to afflict our people while we await the emancipation of American labor. The process of emancipation is too slow. The people are yet too greatly divided in opinion concerning the best method of emancipation. They have not yet sufficiently learned that labor never can be free except where land is free.

Knowledge must ever precede right credence, and right credence must ever precede correct political action.

The people are reading and studying the philosophy of Henry George. Progress and Poverty, which a distinguished English writer has happily denominated "a glorious gospel of justice," is steadily and rapidly changing the credence of the world on the subject of land tenure.

It is the herald of the next great step in the order of social evolution.

It is a practical development of the principles of Jeffersonian Democracy. It is a justification of our Declaration of Independence. It is a vindication of "the ways of God to man."

The manifest truths of its philosophy will speedily unify the world's credence, "Never yet share of truth was vainly set in the world's wide fallow."

The education of a nation on an economic question is not to be accomplished in a day, though "the stars in their courses" should work with the educators.

In the meantime, self defense becomes more than a right; it becomes a most sacred duty.

NATURAL RIGHTS OF CHINESE.

You ask if I do not recognize the Chinaman in this scheme of creative beneficence? I answer yes. I recognize most fully the natural rights of the Chinese. I do not question their equal right to the elements which the Creator has given for the sustenance of human life; but I recognize the fact that the same Creator has established the family, and by his law of human gregariousness has established the community and has decreed that through the family and the community civilization shall be evolved and defended.

He has the same right to an independent home that I have, but he has no right to invade my home, nor I his; and, as I have but followed the Creator's law of evolution in building up the institutions which constitute my civilization, I have a right to defend them, as well against the unarmed invader from China as against the armed soldier from Great Britain.

BUILDING TRADES PETITIONS.

In connection with the industrial phase of this question, Mr. Speaker, I desire to present several petitions from various trades unions of California, praying for the enforcement of the Geary act.

I also desire to read, as presenting labor's view of this question, the following extracts from the petition of the Bricklayers' Union, which I will file here, and which has been indorsed by resolution in every union belonging to the Building Trades Council of San Francisco.

The extracts to which I desire to call special attention are as follows:

The importation of Chinese coolie labor into the State of California, and ster States of this Union, and the simultaneous closing of natural opportunities against our own people, have during the past twenty-five years been gradually but steadily reducing American labor to a condition of slavery. * * *

[The oppression of monopoly on the one hand, and the competition of Chinese slave labor on the other, threaten to speedily degrade our American laborers below the standard of family life, by reducing wages to the bare cost of maintaining unmarried coolies.

I commend this vivid but not overdrawn picture of the ordeal of American labor to the Eastern sentimentalists who profess such an undying devotion to the abstract rights of man. I commend it also to the ministers of religion who are deploring the decadence of church influence among the laboring classes, while as representatives of religion they are promoting the humiliation and the degradation of labor by their advocacy of Chinese immigration.

[Mr. MAGUIRE here gave way to a motion to adjourn, reserving the right to conclude his remarks to-morrow.]

October 14.

Mr. MAGUIRE (resuming). Mr. Speaker, when the House adjourned last evening I was discussing the industrial features of Chinese immigration and residence on the Pacific coast. I endeavored to show that in California certain social forces, supplemented by the competition of Chinese coolies, had reduced the wages of labor to a point that bears no relation whatever to the value of labor, but is regulated solely by the standard of living of the lowest class of labor in the country; and that, as slavery is the lowest form of labor competing there, our laborers are being reduced to its standard of living.

THE VALUE OF LABOR.

The gentleman from New Hampshire [Mr. BAKER] asked my colleague [Mr. GEARY] if the Chinese did not give full value in labor for the $300,000,000 which as surplus earnings they have carried from the Pacific coast to China during the last twenty-five years.

I answer yes. They gave much more than value for it to the people who were in a position to take advantage of the cheapness of their labor, but they compelled the laborers of our own race to surrender an equal proportion of the value of their earnings to the same monopolists.

Let me say further to the gentleman, that, before the coming of the Chinese, American laborers received more than double the wages now prevailing in California, and they gave full value in labor for every dollar that they received in wages then. The wealth-producing power of labor has since that time increased many fold. Yet, in spite of increased wealth production, their wages have fallen 50 per cent. Will gentlemen, professing a desire for justice to labor, applaud that result?

When the lands of California were free and the American laborers there had the option to leave the labor market when its conditions were unsatisfactory, and go out upon the land and establish independent industries and means of subsistence for themselves, no competition of servile labor could injuriously affect them, but would tend perhaps to drive them to higher pursuits, and to callings better suited to their intelligence and capacity than the kind of labor for which they are now obliged to compete with the Chinese.

But we have no such conditions existing there now. American labor is not free there. It has no alternative there, any more than it has here, to leave the labor market when the conditions become unsatisfactory. It must find its employment in

the labor market; and with the constant presence of a large body of unemployed laborers in that market, the tendency of the law of supply and demand—the supply exceeding the demand—is to reduce wages, regardless of the value of labor, to the lowest standard of living which will be adopted by the most hardly pressed class of laborers looking for employment. With thousands of surplus laborers of our own race in the labor markets of California wages would, in any case, be reduced to the lowest standard according to which Caucasian laborers would consent to live; but, with that army of unemployed Caucasian laborers supplemented by nearly a hundred thousand Chinese, whose standard of living is so low that no American laborer can submit to it and live, you can imagine the condition to which Chinese immigration has brought our laboring people.

ATTACKS ON CALIFORNIA.

As I stated yesterday, there is a class of men in California that favors Chinese immigration. A representative of that class, Mr. W. W. Hollister, was a prominent witness before the committee of investigation sent by Congress to California in 1876. He testified that Chinese labor, or labor as cheap as Chinese labor, was absolutely necessary to the great productive industries of the State, and he cited his own case. He testified that he was conducting a farm and that it was impossible for him to pay $30 a month for European or American laborers to cultivate his farm and make any money upon it; he testified that he could get Chinese labor for $15 a month, and that his farm was thereby made profitable.

Being questioned by a member of the committee, he stated that his farm, usually cultivated, consisted of 75,000 acres of land, that in addition to that he owned other lands, of the best in California, to the aggregate amount of 318,000 acres. To men who are thus monopolizing all that section of our country the cheapest form of labor available is most desirable, and with the power of wealth these men have everywhere and at every opportunity, through the powerful channels always accessible to wealth, sought to ridicule, to slur, to denounce, to berate the masses of the people of California for opposing Chinese immigration, and have denounced them as "sand-lotters" and "hoodlums" and people opposed to peace, to honesty, and to good order.

Those statements have been repeated on the floor of this House, and, while I do not blame gentlemen here, residing in the East, for repeating such statements when they come upon the authority of Californians, I do denounce them as false and unjust, as the outcry of the 800 monopolists against the 154,000 people of California, who in 1879 stood against the demands of the promoters of Chinese immigration, who sought to increase that immigration solely for their own personal advantage, regardless of the distress and the oppression and the ruin that their mercenary purposes brought upon the State. I say further that no country in the world, no section of this great country, animated as it is in all its sections by a love of fairness, justice, and law, can present a better showing than California makes with respect to her treatment of an alien, an objectionable, and an obnoxious race.

There is no section of this Union in which the Chinese people under similar circumstances, would be treated as well as they have been treated in California. There never has been, save in very exceptional cases, any danger to the lives or the property of the Chinese people in California. They have generally been protected from injury and insult, and even where, in a few isolated communities, the laboring classes, seeing their families in suffering and want and the monopolists of the only resources from which they could produce a living by their labor employing Chinese serfs to work the natural opportunities that they controlled, leaving their white fellow-citizens out as a body of surplus human beings to die—even there, when those people, moved and maddened by the impulse of despair, drove the Chinese out of the isolated towns of which I have spoken, they treated them with no violence, they even helped them to carry their baggage from the places from which they were deporting them down to the places of railroad or water transportation.

I do not justify the acts of the men who did attempt to take the law in their own hands and to remove the Chinese; but I do say that acts of violence and hoodlumism against the Chinese have been remarkably rare in California's treatment of this race under the circumstances.

MORAL AND SANITARY OBJECTIONS.

The moral phases of this question have perhaps been amply discussed, and I shall therefore deal with them very briefly. The Chinese people, at least those who come to this country, constitute an inferior civilization. They have brought with them and planted in our midst the vices, the crimes, and the immoralities of an inferior civilization. They have made them cheap and alluring to the young of our race. They have driven great numbers of the boys and girls of our country, first from the schools and then from the workshops—from the schools by disabling their parents from maintaining them during their proper period of education—driven them untimely to seek employment in the workshops in competition and in contact with the Chinese, and they have again driven them out of the workshops by competition.

The contact has blunted their moral faculties; and the alluring cheap vices of this race, opening to them and beckoning them from every Chinese washhouse and nearly every Chinese institution in that city—opium smoking, Chinese gambling, lewdness, and worse vices constantly open on such terms as make them accessible—have blasted the lives of thousands of California's fairest and brightest sons and daughters.

A class of white children, some of them grown to a sort of distorted manhood and womanhood, lives now in San Francisco, degraded by contact with the Chinese, known as "opium fiends," numbering hundreds. They do not, perhaps, run up into thousands because they do not live long enough to constitute a very great class after they have contracted the vicious habits of the Chinese.

I have seen in reformatory and penal institutions in California scenes and evidences of the moral and physical degradation of white children by these Chinese vices that should appall the civilization of the East. Scenes and evidences that do appall

every Eastern man or woman who, dealing practically with the Chinese question, undertakes, even for a few hours, to investigate it on our coast.

The men who speak in the name of humanity, in favor of the importation of Chinese, or of restoring to those who are here the right to remain, are men who have never seen the other side of this question—men who have never studied it from a practical standpoint. But East and West, the men who understand this race, who understand its destructive influence upon our people, are like the gentleman from New York [Mr. BARTLETT], like the gentleman from Pennsylvania [Mr. SIBLEY], like every other man who has given thorough study to the subject, in perfect accord with the demands and prayers of the people of the Pacific coast.

The sanitary condition produced by the establishment of this Asiatic city in the heart of San Francisco is, beyond description, dangerous and loathsome and fetid. There has not been a time within the last ten years, according to the testimony of leading physicians of San Francisco who have examined the matter, and the statements of the Board of Health of San Francisco, when that quarter of our city has been free from loathsome, contagious diseases—from diseases that breed in the dirt and filth and offensiveness with which the Chinese habitually surround themselves, in spite of our laws.

They know nothing and care nothing about hygienic laws, and they resent our sanitary regulations as persecutions.

Mr. RAY. Let me ask the gentleman this question: Are the municipal authorities of San Francisco powerless to remedy that state of things? Why can not the police power of the city take hold of it and correct it?

Mr. MAGUIRE. The police power and the power of boards of health—the best boards of health in the world are maintained there because it is absolutely necessary that they should be the best—are battling with these conditions and have battled with them constantly. They have so modified them as to make it possible for the city to escape epidemics. Fortunately the favorable climatic conditions, as stated in two of the Congressional committee reports here, make San Francisco a place unfavorable to the growth of the diseases that are carried there and bred there by these people. It has been declared by both of your committees that such conditions existing in any city in the East, or in any city in Europe, would spread desolation and death among the people beyond all human power of prevention.

Our police authorities and our boards of health have battled against these evils and these dangers constantly, and fortunately with great success so far as the body of the white people are concerned.

Mr. BAKER of New Hampshire. Will the gentleman yield for a question?

Mr. MAGUIRE. I have only five minutes, but I will hear the gentleman's question, because I have been answering one of his points.

Mr. BAKER of New Hampshire. I would like to ask whether the Chinese in San Francisco own the property that they occupy?

Mr. MAGUIRE. No, sir; as a rule they do not.

Mr. BAKER of New Hampshire. Then, why do you not compel the white men who own the property to keep it in proper sanitary condition? That is my question.

Mr. MAGUIRE. Well, that opens up a field of discussion too extensive for the very limited time that remains to me. The courts of California have been dealing with that question for years. A California State law requiring that 500 cubic feet of air should be provided to each occupant of a Chinese bedroom was resisted with the same desperation with which this law has been resisted, and by the same authority—the Six Companies. They resist every sanitary law that is enacted; they carry their resistance through all the courts, and they yield only under absolute compulsion of the final judgment of the highest court to which the law gives them a right of appeal or application.

RELIGIOUS PETITIONS.

Petitions have been presented here from a number of highly respected and highly respectable religious organizations for the repeal of the Geary act. These organizations have no thought of working injury or injustice to our laboring people. They move upon the impulse of their religious zeal for the salvation of Chinese souls, and are oblivious to the other side of the question. They do not see the moral ruin, the degradation, and the suffering which that immigration has brought to our own people, and naturally enough, in the name of that humanity which they see represented in the Chinese, knowing nothing of the considerations of humanity due to our own race, they plead and pray for increased facilities to Christianize the Chinese.

But, Mr. Speaker, I venture to assert that for every one of the disciples of Confucius that all the missionaries and ministers of the gospel have ever really converted to Christianity, I can point to fifty white children, children of our own race, who have gone from Christianity and from all the influences of civilization down to degradation, ruin, and infamy through competition and contact with the Chinese residing in this country. I claim, sir, that the moral and physical ruin wrought among our people by this invasion will outweigh a hundred fold, aye, a thousand fold, all the good that all the missionaries and all the ministers have ever done in the matter of improving the moral condition of the Chinese.

Now, there has been some criticism and some complaint indulged concerning a remark made by my colleague, Mr. GEARY, in relation to the petitions presented by conferences and associations of ministers of religion throughout the country to this body. I make the same objection to the attempts of these religious bodies to reënforce their perfectly proper personal petitions by appeals to the power and membership of their respective churches. I deny that any religious conference in this country, or any religious association in the United States, represents or is authorized to speak for the political sentiments or political opinions of those who constitute the membership of their churches. I deny that any annual conference of two hundred ministers has a right to control, or does control, or does represent, the political sentiments of the sixty-four thousand members of its faith.

The same proposition was presented, the same stereotyped

resolutions that have been here filed were submitted to the annual conference of the Congregational Church in California the other day and their adoption was urged. They were finally adopted, but the proposition to declare that the conference represented the sentiments of the members of the church on this question was rejected. It was rejected because two or three ministers rose and strenuously protested that the conference had no right to speak on this question for the members of the church, and declared that three-fourths of the church members were opposed to the position which a majority of the conference was ready to assume.

Mr. MORSE. Has the gentleman from California the resolutions of the Congregational conference to which he referred? If so, I hope he will print them with his remarks.

Mr. MAGUIRE. I have only the newspaper clipping to which I have referred and there is substantially nothing in it except what I have stated. The resolution adopted was for the repeal of the Geary act.

DEFECTS IN M'CREARY BILL.

Now, Mr. Speaker, my colleague [Mr. GEARY] has clearly pointed out some very serious defects in the bill now pending, and has submitted amendments calculated to correct them.

If this House is determined, against the protests of the Pacific coast, to extend the time for Chinese registration, every consideration of good faith and national dignity require that these amendments be adopted, so that the act shall be as effective as possible for the purposes for which it is intended. Without the provision for photographing the Chinese who register the act will be practically a nullity. I thank the House for its attention.

O

CHINESE EXCLUSION.

SPEECH

OF

HON. JOHN H. MITCHELL,

OF OREGON,

IN THE

SENATE OF THE UNITED STATES,

Monday, April 25, 1892.

WASHINGTON.
1892.

CALIFORNIA STATE LIBRARY

SPEECH

OF

HON. JOHN H. MITCHELL.

The Senate having under consideration the bill (H. R. 6185) to absolutely prohibit the coming of Chinese persons into the United States—

Mr. MITCHELL said:

Mr. PRESIDENT: It is not my intention to engage in any very lengthy discussion of the pending bill, but rather to give some of the reasons which will influence my vote on the several propositions before the Senate.

Much as I regret personally to antagonize what seems to be the result of the deliberate judgment of the distinguished Committee on Foreign Relations, I feel impelled by a sense of duty and by those opinions which I have entertained for many years, and which I have endeavored during the past seven years at all times to impress upon the Senate as best I could, to vote against the proposed substitute of the committee and in favor of the principle of absolute Chinese exclusion, as embraced in the bill as sent us by the House of Representatives.

I regret, however, that I am not inspired with any very well-grounded hope that anything I may be able to say at this time will be potential in preventing the adoption of the substitute proposed by the Committee on Foreign Relations. Should, therefore, the amendment of the committee be adopted, as now seems to be a foregone conclusion, and whether the Senate subsequently shall perfect that amendment or not so as to make it more acceptable to me, I shall give it my support, not because I believe it is that character of legislation which this Congress ought to enact on this important subject, not because I believe it is such legislation as the great masses of the people of the Pacific States and Territories, irrespective of party, desire and expect of this Congress at this time, but because it is infinitely better than nothing, and for the further reason that it is the very best, as I think, which a majority of the Senate is willing to accord, at least before a trial in conference.

I have listened with undivided attention and with considerable astonishment, I confess, to the very able and interesting speeches made by several of the members of the Committee on Foreign Relations, including the distinguished chairman of that committee [Mr. SHERMAN]. Those speeches, in my humble judgment, while able and interesting from their standpoint, were

not the character of speeches, as I think, which the great masses of the people of the Pacific States and Territories, who have felt keenly the touch of the evils of Chinese immigration, would have desired to hear from members of that committee.

Those speeches were such as we might have expected to hear from Senators who, by conviction, had arrived at the conclusion that it is entirely wrong to impose any restriction whatever on the coming of Chinese to this country. They were speeches which would have sounded well and which would have been influential, it seems to me, in the highest degree had they been made in opposition to the first proposition ever presented to the Senate of the United States in favor of inhibiting, even to a limited extent, the coming of Chinese to this country. Those speeches, and especially the speech of the honorable chairman of the committee and that of my distinguished friend from Minnesota [Mr. DAVIS], while able and interesting, presented arguments which, in my humble judgment, in view of the character of the amendment presented and advocated by that committee, and in view of the character of the legislation proposed by the House of Representatives, and which is antagonized by that committee, were fallacious and illogical.

Had the Committee on Foreign Relations desired, or did they desire now, to give expression by their acts to the full meaning of the sentiments expressed by them in those speeches, then it seems to me that there is but one way, and only one, to do that thing, and that is by a motion to recommit this bill to the committee with instructions to report a measure repealing all laws and treaties on the subject of restricting Chinese immigration, and reënacting in terms all the provisions of our original treaty with China of 1858 as modified by the Burlingame treaty of 1868. But if in this statement I am a little too harsh on the committee, or if my criticism is hypercritical, I certainly am justified in saying that if the instructions to which I refer should be modified so as to require a bill repealing the Scott exclusion act, then I am sure I should not be chargeable with any unjust or unreasonable criticism of the action of the committee.

Why do I say that the arguments of the committee, in view of the proposition they support and in view of the proposition they antagonize, are illogical and fallacious? The main argument which has been made by these Senators in antagonism to the House bill is because it transgresses our treaty with China. That is the sum and substance of the argument. We are told we must keep faith, and it is insisted that the House proposition is a violation of faith, that it is Punic faith, that it violates, or, to speak more properly, contravenes, abrogates, repeals our treaty with China or certain provisions of it. Well, the very proposition proposed by the Committee on Foreign Relations as an amendment does the same thing. Therefore I say the arguments made against the House bill are illogical and fallacious.

What does the Committee on Foreign Relations propose as an amendment here? It proposes to extend for ten years all existing laws upon the subject of Chinese immigration. Now, then, let us see if the Scott exclusion act of October 1, 1888, which is proposed to be extended by the committee, is not in direct contravention of one of the most important provisions of our treaty

with China of 1880. Article II of our treaty with China of 1880 provides as follows:

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States, shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

It will be observed that by the provisions of that treaty we solemnly agreed with China that not only Chinese subjects who were teachers, students, merchants, or others who might come to this country out of curiosity, but also the Chinese laborers in this country at the date of this treaty—the 5th day of October, 1880—should be allowed to do what?

To go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

That is the treaty. What did the Scott exclusion act of October 1, 1888, which the committee propose to extend, say upon the subject? It is very brief and I will read it:

An act a supplement to an act entitled "An act to execute certain treaty stipulations relating to Chinese," approved the 6th day of May, 1882.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or who may now or hereafter be, a resident within the United States, and who shall have departed, or shall depart therefrom, and shall not have returned before the passage of this act, to return to, or remain in, the United States.

There could not be a more direct and positive conflict between any two statements in any law or in any two laws than is presented by the conflict between the provisions of the second article of the treaty of 1880 and the provisions of the Scott exclusion act of October 1, 1888, yet that is one of the laws which the Committee on Foreign Relations present here as an amendment to the House bill. Then they come at us and the House of Representatives and at the country with the argument that we are violating a treaty with China. I say, then, that argument, in view of those facts, is illogical, is fallacious: it is an argument which ought not to have weight either with the Senate or with the country.

It is admitted, conceded here in the arguments of Senators, that the Scott act does contravene the treaty of 1880, but "it does not conflict with it quite as much," they say, "as the bill proposed by the House of Representatives, and, therefore, we are not the faith-breakers, but you, members of the House of Representatives and you Senators upon this floor who advocate the House bill are the faith-breakers who are not willing to keep faith with China: you are proposing to violate a treaty with China, and yet, in the very same breath they submit as an amendment a proposition which is equally bad, if anything can be bad which proposes to break down certain provisions of our treaty with China in order to protect our own people and our own institutions."

Mr. BUTLER. Will the Senator from Oregon permit me?

Mr. MITCHELL. Certainly.

Mr. BUTLER. The Senator from Connecticut [Mr. PLATT]

has just offered an amendment which obviates the difficulty of which the Senator is complaining, and I hope he will vote for it.

Mr. MITCHELL. I am not surprised that there is an attempt at this late day to doctor up the amendment proposed by the Committee on Foreign Relations; I am not surprised at that at all. But the arguments which have been made on this floor in opposition to the House bill and in support of the committee's amendment——

Mr. BUTLER. Then I hope the Senator is satisfied.

Mr. MITCHELL. I shall have to be satisfied with whatever this committee does so far as that is concerned, because the edict has long since gone forth that the amendment proposed by the Committee on Foreign Relations must be adopted, and this, too, by an overwhelming majority in the Senate, hence nobody must think that I am talking with a hope of influencing the defeat of that amendment. I know too well the present situation in the Senate not to be aware of that.

Mr. ALLEN. I wish to make an inquiry of the Senator. I ask if the ground which he takes is not that a violation of the treaty in the case of a hundred or a thousand Chinamen who have the right to come here under that treaty is just as flagrant as if the number were greater; in other words, it is a matter of principle and not of number?

Mr. MITCHELL. Most assuredly. It is a matter of principle, certainly, and not a question as to the degree or extent to which the conflict exists.

We should be willing to do one of two things, it seems to me. As the Congress of the United States we should either be willing to keep perfect faith with China in reference to each and every provision of every treaty we have with that nation; or, if we are willing to go one step in the abrogation of the provisions of any one of those treaties for the purpose of protecting our own interests in this country against Chinese immigration, we should be willing to take all the necessary steps in order to make our legislation effective. That is my position. This I think the bill of the House of Representative does, and I think the existing legislation does not.

Mr. PLATT. There are a great many of us here who feel that it is unnecessary to go to the length which the House bill goes.

Mr. MITCHELL. That is true. That is a matter of judgment and of determination for each Senator of course. I am perfectly aware of the differences of opinion as to what is absolutely necessary to be done in order to put an end to what each of the two great political parties in this country has been denouncing as a great national evil for years and years gone by. There is not a Senator upon this floor to-day of either party, I take it, who is willing to get up—perhaps there may be one or two—and say that the immigration of Chinese to this country is not a great evil, a threatening evil, a danger which imperils our institutions and leads to demoralization, and which ought to be checked if we as a great nation have the power to check it.

But I desire to say a word as to the power of Congress to abrogate treaties; and yet it ought not to be expected at this late day that anything should be said in support of the power of Con-

gress to abrogate a treaty, and it is not necessary, I take it, in so far as any member of the Senate is concerned, although it was necessary here in the Senate no longer than five or six years ago, when any number of Senators, to my certain knowledge, took the ground that Congress had no power by an act of Congress to abrogate the provisions of a treaty, but I believe now all agree that the power exists clearly. But the Eastern press of the country, or a great portion of the Eastern press of the country, to-day is antagonizing the House bill; and one of the grounds urged by that press is because, it is alleged, Congress has no power to abrogate a treaty.

Mr. GRAY. If the Senator will allow me, that matter was settled a long while ago. In a great debate twenty-five years ago Mr. Sumner made a speech on that question and demonstrated it. It was accepted at the time, and I never knew that it had been controverted since.

Mr. MITCHELL. That is true. It has been settled, not only once, as the Senator states, but over and over again by this very Senate, composed, perhaps, not all of the same members that compose the Senate now. The Senate and the House no longer ago than in the Forty-fifth Congress, by a direct vote, abrogated, so far as Congress without the approval of the President could abrogate, the treaty of 1868, the Burlingame treaty, and I have the vote on that proposition now before me.

I will read the vote to the Senate. That, remember, was a direct vote submitted in the House of Representatives to repeal the Burlingame treaty in so many words, to abrogate it, to set t aside. It was not coupled with any other legislation. It passed the House by a vote of 155 yeas to 72 nays, 61 not voting. It passed the Senate by 39 yeas to 27 nays. I will read the yeas, commencing with my friend who sits right in front of me, the Senator from Iowa:

Allison, Bailey, Bayard, Beck, Blaine, Booth, Cameron of Pennsylvania, Coke, Dennis, Dorsey, Eaton, Eustis, Garland, Gordon, Grover, Hereford, Jones of Nevada, Kirkwood, Lamar, McDonald, McPherson, Maxey, Mitchell, Morgan, Oglesby, Paddock, Patterson, Plumb, Ransom, Sargent, Saunders, Sharon, Shields, Spencer, Teller, Thurman, Voorhees, Wallace, Windom.

Then you have thirty-nine Senators, who, with one exception, were all prominent Senators of the United States, who voted in the Forty-fifth Congress on a direct vote to abrogate the Burlingame treaty. Then we hear talk about bad faith.

Mr. PLATT. What became of the bill?

Mr. MITCHELL. It was not signed by the President.

Mr. ALLISON. Who was the "one exception" the Senator referred to?

Mr. MITCHELL. The one exception was myself. [Laughter.]

Mr. GRAY. Did you vote for it?

Mr. MITCHELL. I did. I say they were all with one exception prominent Senators [laughter], leading Senators, headed by such men as my friend from Iowa [Mr. ALLISON], the present Secretary of State, Mr. Blaine, and the old Roman, Thurman—such men voted here on a direct vote to abrogate the very treaty which we hear so much talk about now by the distinguished Committee on Foreign Relations as to not keeping faith and all that kind of—as it seems to me—nonsense at this late day. Why,

I should suppose if there was any one thing settled better than another, it is that the people of this country, irrespective of party, had come to the conclusion that Chinese immigration to this country was a great evil which ought to be put an end to.

We either believed that or we have been demagoging in our primaries, in our political conventions in States, in our Legislatures, and in our national conventions, and I take it for granted that no party would do that, and certainly the Republican party would not do it, as is suggested to me by my friend from Iowa [Mr. ALLISON].

Mr. GRAY. I will ask the Senator if that was before the treaty of 1880?

Mr. MITCHELL. Oh, yes; certainly. Both before and since.

Mr. GRAY. Since the abrogation of the Burlingame treaty another treaty has been made, which very largely alters the condition of things existing at the time that was made.

Mr. MITCHELL. As a matter of course, but I am trying to maintain the proposition with which I started out, that the arguments of the members of the Committee on Foreign Relations are illogical. And also that all this talk about abrogating treaties, this fear that we shall do something to excite the displeasure of China, and which will bring down upon the head of this nation the condemnation of the Chinese Emperor, has no real grounds of support. We are told that if we abrogate a treaty the Chinese will break off trade with us. Why did they not declare nonintercourse when both Houses of Congress, by a large majority, on a direct vote in the Forty-fifth Congress abrogated the Burlingame treaty, so far as they could abrogate it without the consent of the President? Why did not China then withdraw her minister and cause a cessation of trade, and declare nonintercourse? She did nothing of the kind. Her interests in the trade of this country being threefold to ours will prevent her, as it did then, from breaking off relations with us simply because we exercise our rightful sovereign power to protect our own interests, our people, and our institutions against what we regard as a great evil.

Not only so, but let me call attention to the fact that in our revenue laws we not only once and twice and thrice, but time and again have directly contravened the provisions of the treaties which we have had with foreign nations.

We had a treaty with Denmark in 1857, which provided, among other things, as follows:

> No higher or other duties shall be imposed on the importation into the United States of any article, the produce or manufacture of the dominion of the treaty-making power, than are or should be payable on like articles, being the produce or manufacture of any other foreign country.

There was a solemn provision in our treaty of 1857 with Denmark, and yet in 1875 what did we do by a treaty? In 1875 the United States entered into a treaty with the Hawaiian Islands by which certain products were admitted free of duty. This treaty received the approbation of Congress, and it was insisted upon the part of the exporters in Denmark that by virtue of the provision in the Hawaiian treaty similar products to those admitted under the Hawaiian treaty should come in free of duty,

but the circuit court for the southern district of New York held as follows:

The stipulation in a treaty with a foreign power to the effect that no higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of the dominion of the treaty-making power than are or shall be payable on the like articles the produce or manufacture of any other foreign country does not prevent Congress from passing an act exempting from duty like products and manufactures imported from any particular foreign dominion it may see fit.

We have treaties to-day with the Two Sicilies, with Portugal, with Hayti, with Honduras, with Nicaragua, and Italy, if they have not been terminated recently, in which there is a like provision as in our treaty with Denmark, and yet we by our tariff laws have come in direct conflict with that provision time and time again: but we hear no protest from our friends from the East against abrogating treaties when the tariff is involved. Time and again, as the records of Congress will show, have you passed revenue laws which conflicted directly and emphatically with this provision in the treaty with Denmark, the Two Sicilies, Portugal, Nicaragua, Honduras, Hayti, and Italy. That can all be done and no protest is made, but when we of the West come here and say that in order to protect our people and our institutions, as well also as the people of the whole country, it becomes necessary to set aside certain provisions of a treaty with China which we can not get rid of in any other way, then our friends from the East say we are violating the treaty, we are transgressing solemn treaty stipulations which we have with China, and it will not do.

The arguments of our friends against the House bill moreover proceed upon the assumption that this is a new proposition which has been suddenly sprung upon the country by the House of Representatives; that it is a strange and a wild proposition, something that has never before been brought to the attention of the country, that has never been considered, and therefore for that reason they are against it.

The House bill in all its essential features has been considered carefully and deliberately by the people of the Pacific coast, and it was indorsed by the press and the people of that section of our country almost unanimously over six years ago. This House bill is word for word in its main restrictive features taken from a bill I myself introduced in the Senate on the 11th day of February, 1886, and a copy of which I now hold in my hand.

With one or two verbal changes, so far as the restrictive clauses are concerned, it is this bill. I introduced the bill, as I said, February 11, 1886. In fact, the bill that I introduced is stronger in its repressive qualities than is the House bill, from the fact that the bill does not contain a provision the House bill does, that the Secretary of the Treasury may make certain regulations so as to permit certain persons who desire to visit this country to come here. The bill introduced by myself did not contain that provision, and yet when that bill as introduced in 1886 providing for absolute exclusion of all Chinese persons, excepting only diplomatic representatives, was forwarded to the Pacific coast and published in the papers, it received, as I said, the almost unanimous indorsement not only of the press but of the people in conventions and in State Legislatures. If I had time I should like to read a few of the indorsements of the bill. I will

read one article, from the San Francisco Daily Evening Bulletin. It reads as follows:

If Senator MITCHELL'S bill, with some modifications, or any other bill having a like purpose in view, can be passed, the Chinese question will be solved for all time. That bill rises fully to the gravity of the case. If the question of our relations with China were broadly and ably presented, there is not much doubt that his proposition will become the law of the land. Mr. Morrow's bill was introduced early in the session. It went as far as it was thought it was possible to go at that time. But since then the Chinese question has undergone an entire change on the Pacific coast. One whole stage in the national process of its solution has been jumped over. There was no one who favored Morrow's bill who did not know that at some future time some other and more ultra measure would have to be adopted. By the act of the people in every city and town of importance on the whole coast the question has been advanced one step on the calendar, so to speak.

Revolutions never go backward. A social, moral, industrial, hygienic, financial, and ethnological revolution is now in progress in California and the other States and Territories of the Pacific. The general and, in many respects, lawful uprising of our people has stripped the question of the falsehoods by which it was surrounded. It is not the revolt of one class against another, however justifiable, but of a unanimous people determined to prevent the further defilement of this fair land by a heathen horde. It is Americanism asserting itself against the debased and servile Mongolism of Asia. For the time being the Pacific coast is fighting on the forepost of civilization. The movement is one which will occupy a greater space in history than the small souls who are now seeking to dwarf or divert it for gain imagine possible. It will rank second in the great moral and philanthropic movements of the epoch. The overthrow of black slavery was the first. The extinction of the more subtile coolyism of the present day is the second.

Senator MITCHELL'S bill is necessarily more in accord with the rising tide of popular determination to extirpate the Chinese evil once for all than any previous measure. There ought, in the present condition of things, to be no trouble about accepting it. There is no reciprocity at all in our dealings with China. We have received no reciprocal advantages. The case can be summed up in a few words: We enjoy no more rights in China than any other civilized nation, but our country alone has been opened up for the traffic of the man-dealers of Canton. That traffic is openly carried on with Cuba, Brazil, and Asia, and is sanctioned by treaty. Here it is cloaked and disguised because our laws forbid forced labor. Some people do not believe that the Chinese are held to service and labor in the United States because they do not see them driven about in gangs.

The chains which bind these slaves are invisible. They were forged out of their religion and their civil polity. The relatives of the Chinese peon are mortgaged at his home for the faithful performance of his contract. If he fail they are sold into slavery. He goes about apparently as a freeman, but his acts show the collar on his neck. Expensive lawyers are hired to represent coolies in the efforts to evade the restriction law, but in nothing else. Coolies move in obedience to orders issued by a central authority. They can not leave the country without the permission of their owners. If they attempt to do so they are removed from the steamer under trumped-up charges of felony. By cutting the Gordian knot as proposed by Senator MITCHELL we bring this slave incursion to an end. There is no reason to believe that such a summary method of proceeding will result in commercial loss of any kind.

That is what a leading and influential San Francisco paper says as to this House bill, which is the same identical bill introduced by myself so far as the exclusion provision is concerned—

There is no reason to believe that such a summary method of proceeding will result in commercial loss of any kind. Even if it did, every consideration of patriotism, morals, philanthropy, and civilization would require that the sacrifice should be made. But China has too good a thing in the trade with the United States to relinquish it. Besides, we are masters of the situation. By discriminating duties on tea and silk we can build up Japan at the expense of China.

Nor is there any necessity for diplomatic delay. No nation is bound to continue a treaty that is working it a constant and manifest injury. Great Britain did not ask permission when it modified by act of Parliament the extradition treaty which it had with us. It was enough for it that, in its opinion, that treaty was doing violence to some of the principles upon which its government was founded. No permanent, satisfactory arrangement can be made whereby certain classes of a people of whom we know but little, and of whose

language we are all ignorant, are to be admitted and certain others excluded. The exigencies of the Burlingame treaty, when the object was to adhere to the letter of that one-sided document, required that some such arrangement should be set up, but for the reasons stated it can never be made to work. There will always be fraud and imposition in the administration of any law of that kind. It is by far preferable that an end should be made of the whole business right off. The Chinese can not be admitted to this country. There are millions of them standing ready to overwhelm us if the gates are not finally and firmly shut.

Similar articles, which I will ask the privilege of inserting in my speech if there is no objection, were published in all the leading journals of San Francisco and of the coast—in the San Francisco Chronicle, the Morning Call, the Evening Post, and also a very strong article at that time was published in the Philadelphia Press, having special reference to this very bill, in which it came out and took strong ground for the absolute exclusion of Chinese from this country.

The San Francisco Evening Post, in referring to the introduction of the bill, spoke editorially as follows:

THE MITCHELL BILL.

Senator MITCHELL of Oregon has introduced a Chinese bill of a much more thorough character than any that has yet been offered by a responsible statesman. It abrogates all existing treaties with China, so far as they hamper the United States in dealing with immigration; forbids the entry of any Chinese persons except government officials and their servants; provides punishment for any master of a vessel who brings Chinese in violation of the law; prohibits the naturalization of Chinese, and makes due provision for the execution of the act. No chance is left for the courts to nullify the law. The prohibition of immigration, with the one exception named, is absolute. In express terms, it applies to all persons of Chinese race, whether subjects of the Chinese Empire or not. The amiable witness, who appears with mechanical regularity to swear that the petitioner once lived on "Dupon' stlee'," would, under this measure, find his occupation gone, for previous residence is not recognized by the bill.

As to the justice of this proposed act there can not be two opinions on the Pacific coast. It is precisely what the Post has been recommending for months, and what will have to come, sooner or later.

The Daily Evening Bulletin of the same issue said, among other things in its leading editorial, the following:

SENATOR MITCHELL'S PROPOSITION.

Senator MITCHELL of Oregon has introduced a bill in the Senate to abrogate all treaties which give the Chinese the right to enter this country and then effectually exclude them. There is not much doubt but that is a step which will have to be taken sooner or later. The movement against the coolies which is now so general throughout the Pacific coast goes by different names. As a matter of fact it is merely a popular effort more determined than anything that has yet been attempted to shake off Mongolianism. Its object is nothing more than the full and complete re-Americanization of the Pacific States and Territories, which are about the only areas not well filled up in the United States at this time.

It might as well be understood by all those who gave any thought to the subject, East or West, that this movement is not going to come to a halt, or that there is not going to be a reaction of any consequence. The conflict is as irrepressible as that between free and slave labor formerly in the South. It will proceed until the only logical solution possible under the circumstances is reached—that is to say, the absolute, complete, and eternal exclusion of the servile and disturbing Chinese element. If there is not legislation wise and broad to facilitate and guide the movement, it will, before long, assume another more ultra and less manageable form.

To Senator MITCHELL'S proposition, therefore, Congress will in time have to come. No doubt the wisest thing to do is to accept and enforce it now.

The San Francisco Morning Call said editorially in reference to this question and this particular measure:

MITCHELL'S ANTI-CHINESE BILL.

Senator MITCHELL has begun where other anti-Chinese legislators will end. The present Congress may not be prepared for the bill Mr. MITCHELL has pre-

sented, but the next Congress will be. The people of the United States appear to have made up their minds that Chinese immigration must be stopped, the only question now being as to the necessity of an act of legislation which abrogates existing treaties. The Mitchell bill will be opposed in Congress on the ground that it is a discourtesy to the State Department to give notice of the abrogation of a treaty through Congressional action. It will be held by some that the State Department should exhaust diplomatic resources in the effort to obtain such a treaty as we want before Congress shall declare a treaty abrogated. It seems to us, however, that time enough has been wasted in waiting for the State Department to act. There is much reason to doubt if that Department is intensely interested in keeping Chinese out of the country. It is certain that the Treasury Department has construed the present law to admit Chinese in transit without assuming the duty of ascertaining if the Chinese so admitted left the country as they reported their intention to do.

In various ways the Departments have done much to render the present law ineffective. There is some excuse, in consequence, if Congress, representing the people, takes the task of getting rid of Chinese into its own hands. Nine years ago, in the early part of Mr. Hayes's administration, an exclusion law was passed which did not pretend to conform to existing treaties. The President vetoed it on the ground that it would be discourteous to China to announce through Congress the abrogation of a treaty. Under the stimulant of this Congressional act the State Department set its intellectual forces at work, and in the course of time the treaty of 1880 was agreed upon. By that treaty we agreed to allow all Chinese then in the country to go and come at pleasure. The go-and-come clause in the treaty has proved fatal to its usefulness. The "go" was all right, but the "come" was a mistake. Senator MITCHELL's bill eliminates the word "come" wherever it occurs. The facilities for going are not in the least impaired, but we do not want any one Chinaman to go but once. The Call has frequently expressed the belief that the present act might be made effective by literal construction and rigid enforcement.

But the courts say that literal construction violates the spirit of the treaty. Rather than violate the spirit of the treaty the courts have so construed the act that it serves but little purpose. It increases the cost of landing Chinese in the country, but it does not apparently materialy diminish the number landed. Now, if we must disregard the treaty, let us do so in an open and manly way. Let us say to the Chinese Government that on and after a certain date no Chinese laborers will be allowed to land in the United States. The stupendous folly of permitting a Chinaman to return and repeat his raid should be openly renounced. Provisions can be made for the migration of recognized merchants whose business requires an occasional trip to China. But when a Chinese laborer goes he should be denied the privilege to return. The Call favors all legislation which will strengthen the present law. If the Morrow bill can be passed and the Mitchell bill can not, let us have the Morrow bill. If it does not work better than the present law, Congress will be ready for the Mitchell bill before its fiftieth session expires.

The Call, in another editorial, said:

MAKE IT TIGHT.

A Washington dispatch says it is thought that all the anti-Chinese legislation the Pacific coast desires will be conceded by Congress. The anti-Chinese legislation which the Pacific coast especially desires is an enactment which will keep Chinese out of the country. Our experience convinces us that this can only be done by the enactment of a law forbidding Chinese laborers to return at all. When they go let them stay. So long as we undertake to provide for the return of the Chinese laborers, so long will fresh Chinese be sent in the place of those departed. We do not ignore the provision in the last treaty which allows Chinese then in the country to go and come of their own accord. It is, however, within the constitutional power of Congress to notify the Chinese Government that this provision of the treaty can not be observed without abandonment of the purpose for which the treaty was made.

We have tried during four yeas a restriction law which carefully observed the provisions of the treaty. Between Department decisions and judicial decisions, all intended to carry out the spirit as well as the letter of the treaty, this law has been made ineffective. We now want a law that can not be construed away. The bill Representative Morrow has introduced limits the time within which a Chinese laborer may remain in China without forfeiting the right to return to two years. This is a disregard of the treaty, which makes no limit at all. An air-tight and water-proof Chinese exclusion law is what the Pacific coast now desires.

The Chronicle, in discussing the pending bill editorially, said:

He [MITCHELL] has gone further than the most strenuous opponents of the Chinese have thus far gone, but it is just as well for Congress to face it now. MITCHELL will doubtless furnish reasons to justify the legislation he proposes, and show that the trade with China is not worth considering.

There is another point I wish to call to the attention of my friends who advocate the amendment of the committee, the members of that committee, and especially of my friend from Minnesota [Mr. DAVIS], who, in his interesting speech spent considerable time upon the point. I desired at the time to interrupt him to ask him the question, but I did not have an opportunity. I desired to ask the Senator from Minnesota whether it would make any difference to him in proceeding to enact a law that would come in contravention with the provisions of a treaty, provided it was made apparent to him in advance that the other party had been *violating*—not abrogating, but had been *violating* the provisions of that same treaty time and time again and continually? That is this case, Mr. President. I assert here, and I assert it on the very highest authority, I assert it upon the authority of three of the most eminent Federal judges of the Pacific coast, I assert it upon the authority of Mr. Justice Field of the Supreme Court of the United States, upon the authority of the late Lorenzo Sawyer, United States circuit judge for the ninth circuit, and upon the authority of the late Ogden Hoffman, United States district judge for the district of California.

Mr. KENNA. Does the Senator mean that they held the Chinese violated the treaty?

Mr. MITCHELL. The assertion is that the Chinese Government prior to any attempt upon our part to abrogate or repeal any of the provisions of our treaty with China, time and again and repeatedly *violated* certain provisions of that treaty, which is infinitely worse upon the part of any nation than to *abrogate* it or *repeal* it.

Mr. PLATT. What were the violated provisions?

Mr. MITCHELL. I will show the Senator what they are, and what the judges said on the subject and what Secretary Bayard said. I will read what Mr. Justice Field stated in the case of Chew Heong *vs.* The United States (112 U. S. Reports, page 567). Said he:

No American citizen can enjoy in China, except at certain designated ports, any valuable privileges, immunities, or exceptions. He can trade at those ports, but nowhere else. He can not go into the interior of the country and buy or sell there or engage in manufactures of any kind. A residence there would be unsafe, and the crowded millions of her people render it impossible for him to engage in any business of any kind among them. * * * Reciprocity in benefits between the two countries in that respect has never existed. There is not, and never has been, any "mutual" advantage in the migration or emigration of the citizens or subjects, respectively, from one country to the other, which the treaty, in cordially recognizing, assumes to exist.

Mr. PLATT. That has reference to the treaty of 1868?

Mr. MITCHELL. Yes, by the Burlingame treaty everything in the shape of emigration, except that which was entirely voluntary, was denounced and reprobated. I will read what Mr. Justice Field said in the case first referred to. By the provisions of that treaty the Chinese Empire covenanted to pass laws making it a penal offense for a citizen of the United States or Chinese

subject to take Chinese subjects to the United States without their free and voluntary consent. That is one of the provisions of the treaty. Now, what does Justice Field say after citing that provision? He says in the case referred to, in 112 United States Reports, page 567:

In the face of this explicit provision large numbers of them, more than one-half of all who have come to the United States, have been brought under what is termed the contract system; that is, a contract for their labor. In one sense they come freely, because they come pursuant to contract, but they are not the free immigrants whose coming the treaty contemplates, and for whose protection the treaty provides. They are for the time the bond-thralls of the contractor—his cooly slaves. The United States had already legislated to prevent the transportation by their citizens of coolies from China to any foreign port; but no law has ever been passed by China to prevent its subjects, thus bound, from being taken to the United States.

Now, Mr. President, according to this declaration of this eminent judge, in an opinion delivered from the bench of the Supreme Court of the United States, China had continually violated her treaty with us; and yet we are told we are acting hastily and in bad faith, and we are implored to not affront China, and we must not do anything to agitate the Chinese authorities, lest we cause them to break off our friendly relations, and thus destroy our trade with them.

But not only so, I call attention to a letter of Secretary Bayard to the then President of the United States, transmitting the treaty of 1888 entered into between this Government and the Government of China bearing upon this same question, as to whether China had violated the provisions of our treaties. The letter is dated December 28, 1887, from Mr. Bayard to Mr. Chang Yen Hoon, then minister from China to the United States. He says:

DEPARTMENT OF STATE,
Washington, December 28, 1887.

SIR: I am constrained in the interests of that international comity which we both desire so fully to promote and sustain, to attract your excellency's attention to certain late disclosures in the course of judicial proceedings at San Francisco, in which certain Chinese subjects were arraigned for violation of existing laws of the United States relative to the restriction of the immigration of the Chinese laborers, passed for the enforcement of the existing treaties with China.

From the published letters of the judges and the public report of the proceedings in these trials the facts seem to be established that a systematic evasion of the restriction upon the immigration of Chinese laborers, imposed by laws passed in pursuance of the treaties, has been and continues to be practiced by Chinese professing to have gone away from the United States and claiming the right to return hither under the provisions of the treaty.

The details of these disclosures are shocking and unnecessary for repetition in this correspondence. Suffice it to say that an extensive traffic in immorality of the grossest nature, by which Chinese women are imported into the United States and brought and sold into infamy by their own countrymen, is clearly proven to have been carried on.

Then further he says:

The systematic violation of the treaty of 1880, and of the restrictive act of the United States passed in 1882, was averred by the eminent judge (Hoffman), before whom part of the cases were tried, and were also stated by another judge (Sawyer) in a published letter to the Hon. Mr. Morrow, M. C., dated November 21, 1887.

Here, then, we have the reported statement of these three eminent Federal judges that the violations of the treaty, not merely of the restriction acts, but violations of the treaty, were repeated.

Mr. GRAY. Will the Senator state, if he has it there conven-

iently for that purpose, what those evasions were of which the judge spoke?

Mr. MITCHELL. I stated that a moment ago.

Mr. GRAY. Of which Judge Hoffman spoke?

Mr. MITCHELL. That does not appear. It evidently relates to the labor-contract provision. It is violation of the treaty provision that they shall not bring persons to this country under contract, and that there had been a failure on the part of China to repress involuntary immigration, as that Government had covenanted to do in the treaty.

Mr. GRAY. That would be a violation of the Burlingame treaty, not of the treaty of 1880.

Mr. MITCHELL. That provision in the Burlingame treaty is not abrogated by the treaty of 1880 at all. It remains in force. It is part of the treaty to-day between this Government and China.

Mr. PLATT. As I understand it, the claimed violation was that China had failed to pass any laws to prohibit any involuntary emigration to the United States.

Mr. GRAY. Under article 5 of the Burlingame treaty.

Mr. MITCHELL. Which they had stipulated to do.

Mr. PLATT. They had not passed the laws which they had stipulated to do under article 5 of the Burlingame treaty?

Mr. KENNA. I understand the objection goes beyond that altogether; that they not only failed to pass laws, but not having passed laws, the very thing provided against by that section 5 was occurring.

Mr. MITCHELL. That it had been carried on presumably with their knowledge and consent, because it does not seem that there was any protest made or any steps taken by the Chinese Government or any representative of the Chinese Government to repress the illicit immigration or the horrors accompanying it that were shown up by judicial proceedings in San Francisco, until the attention of the minister from China—and I do not know that there was any taken then—was called to it by Secretary Bayard in his letter; and in the response made by the Chinese minister he admits virtually all that is charged. His response is in the same document.

Mr. PLATT. What is the document?

Mr. MITCHELL. Executive Document O, Part 2, Confidential, first session Fiftieth Congress. The seal of secrecy has been removed.

Mr. PLATT. On what page?

Mr. MITCHELL. Page 88. Chang Yen Hoon, in responding to this letter of Secretary Bayard, in referring to that part——

Mr. KENNA. Has the document been made public?

Mr. MITCHELL. Yes, it has been made public. It is no longer confidential, certainly not now. Minister Chang Yen Hoon, in responding to this letter of Secretary Bayard, said:

> The shocking traffic in immorality alluded to in your note, by which Chinese women were imported into the United States and brought and sold into infamy by their own countrymen, is indeed detestable. I had heard of it previously.

So far from denying that these violations of the treaty were going on in a high-handed manner, he admits that it is so, and

that he had heard of it before, and that it is "indeed detestable;" and yet we must be told here by members of the Committee on Foreign Relations that we must not proceed as we have the right and the power to proceed in our sovereign capacity as a nation to do whatever is necessary to be done to repress this great evil, even if it is to the extent of abrogating every provision of every treaty that ever existed between this country and China.

Mr. PLATT. I think the Senator ought also to read what the Chinese minister said a little further on.

Mr. MITCHELL. Yes, he says he had—

repeatedly written to the viceroy and governor of Canton on the subject, requesting them to strictly charge the local authorities to make stringent efforts for the arrest and severe punishment of those who are guilty of the crime described.

But nothing was done to interrupt the illicit migration, nor was anything done by the Chinese Government to repress its accompanying horrors or mitigate their fearful consequences.

Mr. HISCOCK. Without any purpose of interrupting the Senator, I am curious to know what report from the Committee on Foreign Relations or what remark has been made by any member of the Committee on Foreign Relations that he can construe into the expression, "We are told that the Committee on Foreign Relations are opposed to the correction of this evil." He entirely misunderstands the position of the Committee on Foreign Relations. They are opposed to that and have presented a bill which will absolutely correct it; and he can not, run as swift as he can, outrun them in efforts to prevent it. The only thing that the Committee on Foreign Relations propose to do in correcting it is to correct it effectively; but under this cry against the Chinaman, under this thrashing over of old straw on this subject, they do not propose to go away beyond or be induced into going away beyond any necessities of the case in the legislation in respect of Chinese.

Mr. MITCHELL. I supposed the Senator from New York desired to ask a question, and instead of that he made a speech.

Mr. HISCOCK. I did desire to ask a question, but I have, and I desired to indulge in a practice which did not originate with me, but which I have seen followed by the Senator from Oregon, of right then at that point repudiating, so far as I may on the part of the Committee on Foreign Relations, the position on this question that he assigns to that committee.

Mr. MITCHELL. The Committee on Foreign Relations has presented a bill which simply extends existing laws.

Mr. HISCOCK. It does more than that.

Mr. MITCHELL. A little more—a very little more.

Mr. HISCOCK. A great deal more.

Mr. MITCHELL. That is about all there is to it. It is an extension of existing laws. I undertake to say to the Committee on Foreign Relations and to the distinguished Senator from New York that after an experience of nearly ten years on the part of the people of the Pacific coast, who have had to contend with this evil, they have come to the conclusion, I think almost unanimously, that the existing laws on the subject of Chinese restriction do not properly, fully, or in any respect completely meet

the case. Furthermore, I supposed that the honorable Senator from New York, although he lives 3,000 miles away from the Pacific coast, knowing him to be the intelligent man and Senator that he is, taking in all that is being said and done in all parts of this great country, keeping pace with the record and public sentiment of the times, had been fully informed of that fact, and being so fully informed of that fact, and the committee generally being fully advised in the premises, I had hoped that instead of simply extending the existing laws they would have presented some more drastic measure.

Mr. HISCOCK. I desire to say, if the Senator will pardon me, that the Senator from New York—and I suppose he refers to me—had the honor of voting, as I said the other day, for the first anti-Chinese bill which passed Congress; and in respect to the evils that the Senator complains of, the Senator from New York is heartily and earnestly in sympathy with their correction and in favor of all the drastic measures that are necessary for their correction. Bear in mind, for their correction. The bill which has been reported here supplies an obvious defect in our present law, that it did not properly provide for the execution of the law now in force in respect to the deportation of the Chinese.

For that purpose a provision has been put in the bill, as I had occasion to say the other day, that must be absolutely efficacious for that purpose. What I object to is that when legislation of that kind is proposed, and by men who are just as anxious as the Senator from Oregon is to correct the precise evils complained of (and I do not stand in a rear line from him on that question) a false position is assigned to them.

Mr. MITCHELL. I certainly do not wish to assign a false position to the Senator from New York. I believe him; certainly am bound to after what he has just stated, but I believe he is mistaken in supposing existing legislation, even as modified by the committee, is an ample and complete remedy.

Mr. HISCOCK. Let me ask a question right here in respect to these Chinese women. How many are there of them in the United States?

Mr. MITCHELL. There are according to a recent investigation fifty-five houses of prostitution in the city of San Francisco where Chinese women are held under servile contract.

Mr. HISCOCK. No, no: how many Chinese women are there? I am not after the question of how many houses of prostitution there are in San Francisco. I am after the question of how many abandoned Chinese women there are in this country.

Mr. MITCHELL. I have not counted them, so far as I am concerned, nor am I for any reason able to answer the Senator's question.

Mr. HISCOCK. That is a more material question, so far as our legislation is concerned, than the fact of number of houses of prostitution that there are in San Francisco under State law. Does the Senator know how many Chinese women there are?

Mr. MITCHELL. Perhaps the Senator from California [Mr. FELTON] can answer the question.

Mr. HISCOCK (to Mr. FELTON). How many?

Mr. FELTON. I do not know the number, but——

Mr. HISCOCK. I should like an estimate.

Mr. FELTON. I should like to inform the Senator——

Mr. HISCOCK. I should like an estimate of the Senator of the number.

Mr. FELTON. I should like to say to the Senator that every one of them there, possibly with a very few exceptions—I do not know of any—are there for that purpose and under contract for that purpose, and the contract was made before they left their own country.

Mr. HISCOCK. I grant it, but——

Mr. FELTON. The Senator has asked me a question, and I hope he will allow me to proceed. I do not know what the Senator meant by houses of that character under State laws. I will inform the Senator that we have no law for that purpose.

Mr. HISCOCK. I do not; I will say tolerated under State law and established by State law.

Mr. MITCHELL. Mr. President, I decline to yield further.

Mr. FELTON. I object to that. We do not tolerate them under State law.

Mr. HISCOCK. I will say——

The PRESIDENT *pro tempore*. The Senator from Oregon declines to yield further, and he is entitled to the floor.

Mr. HISCOCK. Then I will withdraw the word "tolerated." I will say "existing in violation of State law."

The PRESIDENT *pro tempore*. The Senator from Oregon is entitled to the floor.

Mr. MITCHELL. I hold in my hand the San Francisco Chronicle of Sunday April 17, 1892, one week ago, in which there are seven full columns showing the beauties of illicit Chinese immigration to this country, which I will loan to my friend from New York and have him read at his leisure without consuming my time further.

Mr. HISCOCK. Mr. President——

Mr. MITCHELL. I decline to yield further.

Mr. HISCOCK. The Senator addresses his remark to me. Let me reply.

The PRESIDENT *pro tempore*. The Senator from Oregon declines to yield, and will proceed without interruption.

Mr. MITCHELL. I say I will loan the newspaper at the proper time to my friend from New York, that he may be better informed on this subject than he is evidently at present. I will read a few lines for the edification of the Senator. The paper starts out as follows:

It is a sad commentary on the greatness of a nation when her laws are used as engines of assault against her constitution. Sadder still is the existence of such an anomaly when it not only imperils the well-being of the State, but strikes a blow at the very foundation of her social system. With the abolition of slavery through the terrible medium of the war of the rebellion there came into the minds of progressive American citizens a feeling of complacency somewhat akin to that of one who has laid aside disreputable garments and donned a new suit of clothes.

It is not pleasant, therefore, for Americans to be told that all who seek protection under the Stars and Stripes do not breathe the air of freedom; that slavery is not altogether a thing of the past, but that human beings are to-day bought and sold into a worse slavery than ever Uncle Tom knew of, and that the laws of our country are powerless to crush out the curse. It is still more unpleasant to our ears when we are told that our processes of law are constantly being invoked, and sometimes successfully, in aid of this nefarious traffic in human flesh, yet such is the truth, unpleasant though it be.

Dwellers in San Francisco have long ago pleaded guilty to some knowledge of the shameful commerce in Chinese women which has for years been carried on in their midst, and it has been one of their strongest arguments against the toleration of the race. But people who read of Chinatown only as a curious and quasi-picturesque element in the sights of a great city will no doubt be surprised to know that this blot upon the escutcheon of our civilization is as deep and dangerous as will here be shown.

The impression has gone abroad, and has found local lodgment, too, that Chinese girls are no longer sought after now for purposes of barter and sale, but the impression is not founded on fact. The Chronicle has taken pains to make a thorough investigation of the matter, and its readers are herewith presented with the facts in the case fresh from personal observation to date.

This is all in the past ten days, and here are disclosures that would put to shame some of the worst happenings under African slavery in this country in its palmiest days. The article proceeds further as follows:

All things have a head, and organization is the order of our day and generation. The Chinese are known to be good organizers. Their secrect societies have furnished many fatal proofs of their power. It will not, therefore, be surprising, though it will be a matter of news, to know that the brothel keepers, who are the bone and sinew of the Chinese slave traffic, are as thoroughly organized as the Suey Ong Tong or its rivals. It has been known, of course, that there was more or less collusion between the Chinese slave dealers, but it has been left for the Chronicle to make public the details of their formal organization.

There are in the city of San Francisco sixty-two establishments where Chinese girls are held in bonda ge for purposes of prostitution. Each of these places is presided over by a gwi gung, a female high priestess of prostitution, or a qui pah, a male master of the house. Seven of these sixty-two brothels are run on an independent basis, but the keepers of the other fifty-five are banded together in a society known as the Len Wo Tong. These fifty-five dens of iniquity afford occupation for 230 women and girls, and each of these, as well as the brothel-keepers themselves—

I call attention to this—

has to pay a tribute of $1 a month into the treasury of the Len Wo Tong. Here, then, is a fund of $235 a month to start with, and an extra levy is always made when the fees paid to lawyers to defend the society's human "property" are extra large.

Here, therefore, is the nucleus of the Chinese slave traffic. The query may arise as to whether the bondage of the Chinese is confined exclusively to women and to immorality. The answer is in the affirmative.

But I will not stop to read further upon this loathesome subject.

Mr. GRAY. I will ask the Senator from Oregon whether these contracts are made now and carried out under present laws and those shiploads of persons brought in in contravention of the already stringent provisions of the Scott law?

Mr. MITCHELL. Not shiploads, perhaps, but they are coming in all the while one way and another. These contracts are being made, such as are referred to in this very article, showing the prices paid, as much as $1,300 being paid for one woman. They are regular written contracts drawn up, signed, sealed, and delivered.

Now, where I think the Committee on Foreign Relations are in one respect at fault in not reaching far enough in order to suppress this evil is in their recognition of the right of merchants, so-called, to come to this country. As stated by the Senator from Washington [Mr. SQUIRE] to-day, the testimony shows that there are really no merchants who come to this country, but hundreds of mere coolie laborers come in professing to be merchants, proved to be merchants by perjured Chinese testimony, and thus violate both law and treaty and defy the national authority.

Mr. BUTLER. May I inquire of the Senator from Oregon

whether the State of California may not deal with this evil by its police laws?

Mr. MITCHELL. No State can ever deal successfully with a great evil like this.

Mr. BUTLER. Other States do.

Mr. MITCHELL. It will require the full legislative power of this nation expressed in the most emphatic manner to suppress this great evil.

Mr. GRAY. To suppress their coming, but the Senator from South Carolina I suppose refers to the present existence here.

Mr. BUTLER. That is what I refer to.

Mr. GRAY. He refers to what the Senator from Oregon has read an account of in the papers.

Mr. MITCHELL. The State and municipal authorities may deal as best they can of course with these evils where they find them exiting within their respective jurisdictions, but the belief is on the Pacific coast—of course there are exceptions—but the general belief there is, if I am not mistaken, and it is my unqualified opinion, that the only way to put an end to the immigration of even Chinese laborers to this country is to enact an absolute exclusion law, one that will not recognize the right of persons to come in as merchants or in any other capacity except as diplomatic and consular officials. That is what the House bill does. It is the same bill, as I said in respect of its repressive provisions, that was introduced by me in 1886, and which has been introduced by me at every session since, and as has been already shown it met with the general approval of the press and the people of the Pacific coast.

Mr. BUTLER. I will ask the Senator from Oregon if the direct way to get at that would not be to give China notice and abrogate the treaty out and out, without undertaking to meet the difficulties by statutes of Congress. There is no need to have treaties in existence between the two Governments and then pass laws which are in direct contravention of them. Still, the Senator says the laws will not prevent the evil. It is better just to abrogate the treaties out and out and cut off all intercourse with China.

Mr. MITCHELL. That is what the United States attempted to do in the Forty-fifth Congress, when it passed an act, by a large majority in both Houses of Congress, repealing the Burlingame treaty, as I showed awhile ago.

Mr. KENNA. Why did not the Senator support the bill repealing the treaty?

Mr. MITCHELL. I did. I supported the repeal of the treaty.

Mr. KENNA. My friend is certainly mistaken. I have the RECORD before me, and the Senator from Oregon voted against the passage of the bill.

Mr. MITCHELL. Against the passage of what bill?

Mr. KENNA. The Chinese bill.

Mr. MITCHELL. What Chinese bill?

Mr. KENNA. The Chinese bill which was vetoed by President Arthur.

Mr. MITCHELL. I am not talking about the Chinese bill vetoed by President Arthur.

Mr. KENNA. But the Chinese bill was vetoed by President Arthur on the ground—and the ground only—that it contravened the treaty: and on the motion to pass it notwithstanding the Presidential veto, my friend, the Senator from Oregon, voted "nay."

Mr. MITCHELL. The Senator from West Virginia was never so much mistaken in all his life.

Mr. KENNA. I am glad to hear it, because I see from the RECORD——

Mr. MITCHELL. He never was so much mistaken in all his life. It is a mistake, pure and simple, on the part of my friend, because I was not in Congress at the time. The Senator evidently has in mind Mr. Mitchell of Pennsylvania.

Mr. KENNA. Possibly that may be the case, but I see the name "Mitchell" following this line all the way through.

Mr. MITCHELL. Certainly I never voted against any bill proposing to abrogate the Burlingame treaty. I have always advocated its repeal, either by treaty or by act of Congress. I was not a member of the Senate during President Arthur's Administration. It was Senator Mitchell of Pennsylvania evidently, and the Senator, my friend from West Virginia, has been misled.

Mr. KENNA. I beg the Senator's pardon, because I was surprised that he should have done so.

Mr. MITCHELL. It was a mistake any Senator might have made.

Mr. KENNA. It is perhaps due to myself to say that I did not get this volume of the RECORD with a view to ascertain the vote of the Senator from Oregon; I got it with a view to the record of some other Senators who occupy very peculiar relations to the present legislation as compared with their relations to former legislation on this subject, I happened to see the Senator's name, and I thought it worth while to call his attention to it.

Mr. MITCHELL. Now, I want to call attention to another circumstance in answer to the argument which is being made all the while, to the effect that we must not do anything to aggravate China and to the effect that we have dealt hastily with China in regard to these treaties. What did we do in 1888? Early in 1888 the Administration entered into a treaty upon the part of this Government with China which I hold in my hand. That treaty was signed, I believe, in March, 1888. It was transmitted to the Senate March 16, 1888. It was reported to the Senate by Senator SHERMAN, chairman of the Committee on Foreign Relation, May 2, 1888, with two amendments only, and the treaty with those amendments was ratified on the 7th day of May, 1888.

To show that China did not act in good faith towards this Government, that the Chinese Government was insincere, to say the least, I want to call attention to the fact that the two amendments proposed by the Senate committee, and which were adopted by the Senate, do not change the meaning of the treaty in any respect, and were only put on by the Senate at the time, as I remember, in order to make more plain the meaning, and not with any intention of contradicting any of the provisions of the treaty as it had been agreed to by the Chinese Government and as it was sent to the Senate, or of adding any new features to it.

What was the first amendment? Article 1 as agreed to by the Chinese Government reads as follows:

> The high contracting parties agree that for a period of twenty years, beginning with the date of the exchange of the ratifications of this convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

That was the clause to which the Senate tacked on the following amendment:

> And this prohibition shall extend to the return of Chinese laborers who are not now in the United States, whether holding return certificates under existing laws or not.

The article thus amended, I submit, meant precisely the same as before amended. It included all Chinese before the amendment was put on, whether ever here before or not, and was so understood and construed by the Secretary of State, Secretary Bayard, in his letter of transmission to the Senate. In his letter of date March 16, 1888, Secretary Bayard, in referring to the treaty, makes the remark which I shall read, on page 2, Executive Document O, Confidential, which has been made public. After referring to the different articles he says:

> This precludes the return of any Chinese laborers who are not now in this country, and forbids the coming into the United States of Chinese laborers from any quarter whatsoever.

What was the next amendment? It was to article 2. The article as transmitted to the Senate and as agreed to by the two Governments provided that such Chinese are permitted to go and come, namely, "any Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of $1,000, or debts of like amount due him and pending settlement," should obtain a certificate before he left this country, which certificate should entitle him to return. That was the treaty as agreed to by the Chinese Government. The Senate put on this clause:

> And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

What was the object of requiring a certificate to be issued? It was that it might be the credentials entitling him to return his passport, and in order to make the thing a little more definite and plain the Senate added this amendment, which in no sense, as it seems to me, enlarges the provisions of the article, nor does it add to or restrict it.

Now, then, what does the Chinese Government do after having entered into this treaty? It was stated on the floor of the Senate last Saturday that after the treaty had been ratified by the Senate May 7, 1888, it had been immediately cabled to China by the Chinese minister. That date was May 7, 1888. The Scott exclusion act was not introduced into the House of Representatives until the 7th day of September, 1888. Three months, ninety long days, had been permitted to elapse, and the Chinese Government had made no response, so far as we are advised, as to its intentions in reference to this treaty. If these amendments of the Senate were objectionable to Chinese officials, why did they not say so? Why did they not communicate to Secretary Bayard and say to him: "The Senate has changed the treaty; it is not satisfactory to us." But no, sir, there was not one word, so

far as these executive documents show. They were perfectly silent, silent as the grave, for three long months before the Scott exclusion bill was introduced.

Senators say we have acted hastily; that we have acted without first notifying the Chinese Government. Upon the contrary, we did not act hastily.

The Scott exclusion bill was not a hasty performance, in my judgment, upon the part of the member of the other House who introduced it. He represented the Administration, I take it, at the time. The Administration had done all that any administration ought to have been called upon to do after the treaty had been signed, although I never approved of the treaty, for the reason that its provisions were not sufficiently drastic to meet the evil aimed at. The Chinese minister cabled the treaty with those two unimportant amendments to the Chinese Government, and the Chinese Government goes into its tent and sulks, and refuses to respond; it neither says yea or nay. It gives no sign, and it makes no objection to the Senate amendments, so far as I am advised and so far as I have been able to ascertain.

Mr. PLATT. I was out of the Chamber for a moment. Let me ask the Senator when the treaty was ratified by the Senate?

Mr. MITCHELL. It was ratified by the Senate on the 7th day of May, 1888.

Mr. GRAY. With amendments.

Mr. MITCHELL. With two unimportant amendments, to which I called attention. The treaty was then immediately cabled, as we are advised, to the Chinese Government by the Chinese minister. We did not remain quiet. We went on in good faith in September, 1888, and passed an act with a view of carrying out the provisions of that treaty, supposing, of course, the treaty would soon become operative. We even went so far as to pass that bill through both Houses of Congress, and it went to the President and was signed by the President of the United States, President Cleveland, and I hold it in my hand.

Mr. GRAY. May I ask the Senator a question?

Mr. MITCHELL. Certainly.

Mr. GRAY. The treaty to which the Senator refers was sent into the Senate as a treaty already executed by the President and the Chinese Government?

Mr. MITCHELL. Yes, sir.

Mr. GRAY. It was sent in for the ratification of the Senate?

Mr. MITCHELL. Yes, sir.

Mr. GRAY. And the Senator from Oregon says that the Senate put an amendment to it?

Mr. MITCHELL. Two amendments.

Mr. GRAY. The Senate put two amendments to it, which did not in his opinion——

Mr. MITCHELL. Change the meaning.

Mr. GRAY. Which did not at all change the meaning or make more rigid the provisions contained in the treaty?

Mr. MITCHELL. That is what I think.

Mr. GRAY. Now, why did the Senate do that thing and thereby prevent the accomplishment of what had already been accomplished so far as the President of the United States and the Secretary of State were concerned?

Mr. MITCHELL. The only reason why they did so, in my judgment, is that it was thought by some that the meaning was a little obscure; that it was somewhat ambiguous. I do not believe that any member of the Senate was of the opinion that the amendments made a radical change or any change in fact in the real meaning of the document, but they did make the language perfectly plain so there could be no room for but the one construction.

Mr. GRAY. Treaties that came from that Administration to the Senate, no matter how meritorious, as this one seems to have been, appear to have failed of ratification here in the form in which they came.

Mr. MITCHELL. I do not know about that. So far as I am concerned, I did not vote for that treaty. It was not satisfactory to me; it was not satisfactory to the people of the Pacific coast, although it was ratified with two slight amendments: and I think the amendments were presented by the committee in perfect good faith in order to make plain the meaning of the treaty.

Mr. PLATT. I was called out for a moment, and possibly the Senator has stated what would be an answer to a question I should like to ask.

Mr. MITCHELL. All right; what is it?

Mr. PLATT. Had China signified to our State Department at the time of the passage of the Scott exclusion act, whether it would agree to the treaty as amended or not?

Mr. MITCHELL. I stated while the Senator was out that the treaty, according to the record, was ratified in the Senate May 7, 1888; that it was cabled by the Chinese minister immediately to the Chinese Government, and no response was received. They had not stated that the amendments of the Senate were unsatisfactory or that they were satisfactory, nor had the Chinese Government given any reason up to the date of the introduction of the bill in the House of Representatives September 17, 1888, why they had not acted upon the amendments to the treaty.

I refer to this matter for the purpose of showing that the Government of the United States did not act hastily in passing the exclusion act October 1, 1888. We went on in perfect good faith, the treaty having been agreed to, and we passed an act for the purpose of carrying out its provisions, as I say, which was approved September 13, 1888. That is the act that the Congress of the United States passed, supposing, as a matter of course, the treaty would go into operation. It was passed in order to carry out the provisions of the treaty; but, of course, as the treaty never was accepted by the Chinese Government, the act as it stands is a dead letter on the statute book.

Mr. PLATT. Now, if the Senator will permit me, I think there is a little evidence that China would have agreed to that treaty with the amendments if it had not been for the passage of what is known as the Scott exclusion law.

Mr. MITCHELL. If there is such evidence, my attention has never been called to it.

Mr. PLATT. In the memorandum of the Chinese minister, June 23, 1891, which comes in the correspondence relating to Senator Blair's appointment as minister to China, the minister

says "that the passing of that law while the treaty was being considered has had a very bad effect on China."

Mr. MITCHELL. That is a late correspondence.

Mr. SHERMAN. I hope the Senator will allow me to interrupt him?

Mr. MITCHELL. Certainly.

Mr. SHERMAN. I find by reference to the RECORD, which is the only evidence we have on the subject, that when the Scott bill was pending I made an appeal to the Senate to allow the bill to pass over, stating that the Chinese minister, who had not been here for some time, was then at Peru, on his way back, and there was a confident belief that if the passage of the Scott bill could be delayed until the Chinese minister should arrive a modification of the treaty would be made, so that the treaty would be approved and ratified by the Chinese Government, and a law passed to carry it into effect. I have here the statement that I made at that time, pending the debate. I said:

Mr. SHERMAN. Mr. President, I do not intend to prolong the debate on this bill, because I think the Senate ought to be willing to wait a day or two, or two or three days, until we ascertain, in response to the inquiry sent to the President, whether the fact on which this bill rests really exists.

That is, the allegation that the Chinese Government would not agree to it.

Yesterday, after information communicated to me in an informal way that we were acting in the dark and in haste upon information that was probably groundless, that the Senate was departing from its usual orderly proceeding upon a misapprehension of facts, I introduced a resolution, which was passed yesterday morning, calling on the President to inform us whether or not there was any information of any kind whatever indicating that the treaty with China was not to be ratified.

Then I go on to say:

I am decidedly in favor of the passage of this bill. If the Chinese Government has deliberately declined to negotiate further upon this subject, and has refused to accede to the universal demand of the American people that there shall be a restriction on this kind of immigration, then I am perfectly willing to pass a law asserting the power of the United States to regulate the coming of persons to this country, declaring who shall be kept out of it, and of passing such a bill without regard to the ordinary forms of legislation. But that fact has not been ascertained; we have no answer to the resolution of the Senate adopted yesterday. That answer will undoubtedly come to-day in the ordinary course of proceedings.

At that time the Chinese minister was on his way here, but Congress refused to wait until it could be ascertained. I find that thereupon a motion was made by some member of the Committee on Foreign Relations to postpone the consideration of the matter for a few days. That motion was defeated by one majority. By one majority only was it defeated, and after that time I refused to participate, and did not vote either for or against the bill. I have no doubt now, upon an examination of the debates as they occurred, that if we had waited two weeks until the Chinese minister arrived, negotiations would have been carried on, and we would have been enabled to pass in accordance with the treaty the general provisions of the Scott law. Is not that the way the Senator understands it? Is not that the history of it?

Mr. MITCHELL. I remember all about that, and it is just as the Senator has stated it, so far as his action is concerned. But here is the point: Ninety days, three long months, had elapsed

from the time the treaty was cabled to the Chinese Government. Has the chairman of the committee any information now that any statement had come from the Chinese Government to the State Department in reference to the matter during all that time? The Senator says he has no doubt if we had waited until the Chinese minister arrived here that something would have been done.

Mr. SHERMAN. This shows perfectly well that the Chinese minister was on his way here from Peru. The delay was accounted for by the fact that his duties required him to go and spend a portion of his time in Peru. Information had been called for by the Senate upon the President to know whether the allegation which is now made was true, and it was thought that by waiting awhile we could probably have the assent of China to this modification of the treaty. I have no doubt that that was true; but as Congress would not wait we proceeded then to pass the Scott bill, and the President approved it. Then the Chinese Government, I suppose, took offense and refused to ratify the treaty as amended or in any way to recognize the law of 1888.

Mr. MITCHELL. However that may be, the fact is that the treaty entered into in March, 1888, was a most liberal treaty for the Chinese—so liberal that it was wholly unsatisfactory to the people of the Pacific coast. That treaty provided, among other things, that a Chinese person having a parent or child or husband or wife in this country should come and go.

Mr. DAWES. Should come back, not come and go.

Mr. MITCHELL. That he should come back. It provided that a person having a debt of a thousand dollars should be recognized in his right to come back. In addition to all that, it made an appropriation in the treaty of $276,619.75 as a matter of grace to the Chinese Government on account of massacres and troubles in Wyoming to indemnify them in that matter. So taken altogether, whatever may be said to the contrary, it was a most liberal proposition to a government which had pretended to be in favor of keeping their laborers at home, and yet they keep that treaty for ninety days without making any move whatever as to whether it was acceptable with the Senate amendments or not, and as a result Congress, tired of waiting, enacted the Scott exclusion act.

Mr. SHERMAN. The reason was that the Chinese minister was not here.

Mr. VEST. Will the Senator from Oregon permit me to interrupt him?

Mr. MITCHELL. Yes, sir.

Mr. VEST. In the May number of the North American Review there is an article by John Russell Young, late minister to China, in which he corroborates the statement made by the Senator from Ohio [Mr. SHERMAN]. He asserts very positively that he knows the fact to exist that the Chinese Government has never felt any interest in promoting the immigration of their people to this country, and that but for the passage of the Scott act of 1888 (for which I voted, and I have never regretted it) the Chinese Government would have very gladly put additional stipulations in the treaty looking to the prevention of their citizens coming to this country. That statement, whatever it is worth,

has been published in the North American Review, which came out in the last day or two.

Mr. MITCHELL. The Chinese Government, of course have their advocates in this country, and they are able. I have not read the article referred to in the North American Review. I have no doubt it is stated just as the Senator states it, so far as that is concerned. But I must hurry along as my friend from Florida [Mr. CALL] is entitled to a fair share of the remaining time.

A great deal has been said about our trade with China; that it would be broken off by this action. What is our trade with China? It is most insignificant in amount and value. Here are our exports. I hold in my hand a statement of our exports to China for the year ending June 30, 1891:

Wheat, not a bushel, not a pound.

Flour, 34,474 barrels, value $134,969.

Bread and buscuit, 29,460 pounds; value $2,001.

One thousand two hundred and thirty-four bushels of oats; value $765.

Fowls and animals, 100; value $150.

Patent medicine, $1,089 worth.

Clocks, and parts of, $52,689.

Watches, $200.

Now we come to the principal and main articles:

Cloths, uncolored, 80,674,246 yards; value $5,321,500.

That and the one other article of illuminating gas are the only two items in the whole category that amount to anything at all.

Wearing apparel, $1,668.06.

Codfish, including haddock, hake, pollock, 12,270 pounds, value $894.

Canned salmon, 4,030 pounds, value $441.

Canned fish, other than salmon, $185.

Cordage, 2,492 pounds, $324.

Twine, $116.

What an immense commerce this is!

Apples, green and dried, 555 barrels, $1,526.

Fifteen tons of hay, $231.

Boots and shoes, 50 pairs, $128.

Castings, $15,000.

One stationary engine, $500.

Sole leather, 13,555 pounds, $3,585.

Tar, 30 barrels, $84.

Turpentine and pitch, 185 barrels, $323.

Illuminating oils, 27,160,660 gallons, value $2,586,321.

That and the uncolored goods are the only two items, I may say, worth considering.

Plated ware, value $33,475.

Bacon, 13,241 pounds, value $1,821.

Lard, 150 pounds, value $13.

All other meat products, $709.

Cheese, 27,474 pounds, value $3,771.

Rum, 23 gallons, $60.

Spirits of turpentine, 10,600 gallons, value $4,696.

Starch, 1,100 pounds, value $60.

Refined sugar, 6,964 pounds, value $468.
Unrefined sugar, none.
Tin manufactures, $2,632.
Cigarettes, $28,407.
Varnish, 470 gallons, value $630.
Beans and peas, 214 bushels, value $387.
Onions, 52 bushels, $93.
Canned vegetables, value $183.
Vinegar, 26 gallons, $5.
Wine in bottles, none.
Wine not in bottles, 5,149 gallons, value $2,612.
Boards, deals, and planks, 5,629 feet, value $55,774.85.
Doors, sash, and blinds, $850.
House furniture, $1,583..
Flannels and blankets, $684.
Wearing apparel, $952.

Total value of exports of domestic merchandise, $8,700,308, while their imports were $19,321,850 for the year ending June 30, 1891.

The trade, Mr. President, is all on their side. We have sent to China within the last twenty years over $200,000,000 in gold and silver to pay our balances. From 1870 to 1885 we had sent $135,000,000, and since then we have sent a sufficient amount to make it, as I say, more than $200,000,000 in gold and silver to pay our balances. Then talk to me about the Chinese breaking off intercourse with us, destroying that trade so valuable to them, simply because we exercise our sovereign right to protect ourselves against dangers that we all regard as real to the institutions of our country! They will never do it, Mr. President. Now, I must not take up any more time, at least not much.

Mr. PLATT. If the Senator will permit me, I think the argument he is making now would lead to breaking off trade relations with almost all South American countries, from whom we receive more than we send to them. For instance, we have been paying a great deal of money out to Brazil, and through London for that matter, but the same argument that the Senator makes with regard to China would hold good, that the trade of Brazil was not worth continuing.

Mr. MITCHELL. It will be time enough to consider what we shall do in reference to our treaties with Brazil when the case comes up, so far as that is concerned.

I wish to say one word in regard to the rejection of Mr. Blair. I agree fully with all that has been stated by my friend on my right [Mr. TELLER] as to the international law in the case. I agree that any nation has a right to reject a minister named for that country without giving any reasons whatever. But while that right exists, while the right to object to a person because he is personally nonacceptable, without assigning any reasons, exists, I insist that when a nation, instead of exercising that right, objects to a minister and gratuitously assigns as reasons grounds that do not relate to him personally, but which amount to an objection to the nation, on account of some national act, then the least that can be said of it is that that nation has been guilty of a studied insult.

Let me call attention to this particular case. The final ob-

jection to Mr. Blair was because he had voted for a certain act of Congress that became a part of the supreme law of the land. I say that that objection was not a *personal* objection but it amounted to a *national* objection. The moment that that act became a part of the supreme law of the land it became the duty of every citizen of the United States to stand by it and assist in its faithful execution. The objection is one that goes to the nation because it had placed on the statute book legislation that the Chinese Government regarded as obnoxious to them.

Suppose that the President of the United States should tomorrow send to the Senate as minister to Great Britain the name of THOMAS B. REED, of Maine, or suppose he should send as minister to the court of St. James the name of William McKinley, jr., of Ohio, that the Senate should ratify either of the nominations, and Great Britain should come back and say "Mr. REED or Mr. McKinley is not acceptable to us." That would be all very well. She would have a right to do that, nobody can object; but suppose she went a step further and gave reasons, and said "we object to Mr. REED, or we object to Mr. McKinley, as the case might be, because he participated in the passage of a law which now stands upon your statute books, which we regard as obnoxious to our country, and therefore we object." I say that then it becomes a case not of mere *persona non grata*, not an objection to the *person* merely, but to the *nation*. I desire to inquire what this administration, or this Government, or the people of this country would think of an objection of that kind coming to the nomination and confirmation of Mr. REED or Mr. McKinley. Unless I am very much mistaken in my conception of things, such an objection, when no reasons at all were necessary or required to be given, would be regarded in the light of a diplomatic insult, and our minister to the court of St. James would, in fitting response, be recalled.

Now, Mr. President, before closing I want to refer to one other matter referred to by my friend from Minnesota [Mr. DAVIS]. My friend, genial, able, erudite as he is, losing sight evidently for the moment of the great evils, the great dangers to this country likely to result from continued Chinese immigration; forgetting for the moment the lesson which history teaches us as to what the pagan Chinese did over five hundred years ago, when, under the great Tamerlane, by the mere force of overpowering numbers, they subdued principalities and peoples along the Tigris, the Euphrates, the Volga, the Ganges, and the Nile—looking away beyond all this, my friend from Minnesota imagines he sees a more ominous, a more portentous cloud of danger to our institutions in another form and in another direction; and in comparison, he loses sight evidently for the time being of the dangers and the demoralizations of Chinese immigration to this country, and comparing Cahensly as representing the one theory and Confucius as representing the other, he gives the palm to Confucius and crowns him with eulogy.

My friend is apprehensive that a movement set on foot last year, I believe, by a comparatively obscure member of the Prussian Diet, and which movement, as very properly and very truthfully stated by the Senator from Minnesota, was on its first presenta-

tion denounced by His Holiness Leo XIII, in the Vatican, and reprobated by Cardinal Gibbon and Archbishop Ireland in this country, will result in the disintegration of American civilization, and in the establishment in this country of as many different nations as there are people and as there are tongues. I tell my friend from Minnesota what has been done once may be done again.

If those vast hordes of Chinese pagans, led on by the great Mongolian leader, Tamerlane, over five centuries ago, could, not by military prowess, but by the mere force of overpowering numbers, make a track of desolation through Russia and Turkey and Egypt and India which required for centuries the energies of all those nations to obliterate, they may do it again. What pagan China has done in Europe, it is possible for her to do in America. Russia has felt the shock of Chinese invasion. She has been overpowered in her provinces, and her country desolated, not by warlike men, but by the mere force and immensity of overpowering numbers. The present Czar of Russia, living in the sunlight of the history of the past, is keenly alive to the dangers to that country from another Chinese invasion. But, in my humble judgment, leaving out of consideration all question of any wholesale invasion, I believe the continual immigration of Chinese to this country, even in a limited form, will result in great danger eventually to the people and the institutions of this country.

While I believe that is so, I do not think there is any well-grounded fear that this great political edifice of ours, occupied, as it is, by sixty-five million of intelligent patriotic people, mainly of the Anglo-Saxon race, an edifice whose foundations are Christianity and patriotism, whose pillars are upheld by millions of patriotic men, native and foreign born, and representing many creeds, will ever be moved from its base in the slightest degree by the establishment of any *imperium in Imperio*, or by any confusion of tongues.

Mr. President, the builders of American civilization, marching proudly on as they are to-day in the vanguard of the world's progress, were never born to be "scattered and peeled" by any man, or sect, or nation, however wise or great, who might plot or combine to establish in our midst a Babelistic confusion of tongues.

THE CHINESE PROBLEM.

SPEECH OF

HON. HORACE DAVIS,

OF CALIFORNIA,

IN THE HOUSE OF REPRESENTATIVES, TUESDAY, JANUARY 28, 1879.

On the bill (H. R. No. 2423) to restrict the immigration of Chinese to the United States.

Mr. DAVIS, of California. Mr. Speaker, the traditional policy of the United States has been to encourage unrestricted immigration, to greet with a welcome every man that came to their shores. The Pacific States now come before you, and ask you to make a new departure. New problems and new conditions confront them of so weighty a character as to require, they believe, a new line of national policy in this matter. Of these problems and these conditions I will now speak.

NEW PROBLEMS AND CONDITIONS.

Our fathers dealt simply with the question of European immigration. The strangers coming to these shores in early days were few and far between, and were so little different from our own people that they readily found a place in the great family. But even the founders of the Republic, in their boasted equality of all men, recognized the diversity of races, excluded the Indian from representation, and provided for negro slavery. To-day new conditions of national life, the vast expansion of the area of the Republic, easy modes of transportation across the ocean, bringing to our very doors nations which half a century ago were months of travel from us, all these call for a new adjustment of our relations to other nations.

EXPANSION OF CITIZENSHIP.

Up to 1830 the United States had increased by natural growth. Nearly all the voting population were native citizens, born and bred to self-government. Since that time our country has rapidly expanded. A large stream of foreign population, unused to the exercise of political power, has poured in upon us, and the colored people of the South have been emancipated and endowed with the elective franchise. To clothe with political power these large bodies of men unused to its exercise has been called a severe strain upon our institutions; and some thoughtful men call upon us to pause even now and let the body-politic digest this new material. But the problem which confronts on the shores of the Pacific is far more dangerous than those I have mentioned. The European immigrant is near akin to us in blood; his habits of life and modes of thought easily blend with ours. He is lost in the great mass of American citizens, and his children when they grow up have no mark to distinguish them from our own. The negro's ancestors were brought here against their will, and the colored man of to-day was born and brought up on American soil.

AN INVASION OF ASIATICS.

But now comes a new flood of humanity from across the Pacific—an importation or an invasion rather than an immigration—and the question confronts us, shall we extend them the same welcome as we have offered the European? No reasonable man can claim that they have any abstract right to come here or can come except by our consent. Every nation claims the right to regulate the incoming of strangers, and the Government of China itself denies our people the right of permanent residence outside of treaty ports.

TWO QUESTIONS.

There are, then, two questions to consider: first, are these people a desirable accession to our population; and, second, if not, are they likely to come in such numbers as to endanger our country or any part of it?

As we claim the right to exclude paupers, convicts, and persons with infectious diseases as burdensome and dangerous to our people, so we would bar the doors of the State to any class of strangers whose spirit is hostile to our institutions; who, maintaining a foreign allegiance, make no permanent settlement here, take no interest in the State, cannot be controlled by our laws, and who, by the experience of other nations, have been shown to be a dangerous element in society; who degrade labor and revive the spirit if not the forms of slavery.

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This is the indictment presented by the people of California against the Chinese.

AN INVASION AND NOT IMMIGRATION.

And, first, this movement is in no sense an immigration. It is rather an army of peaceful invasion; an army of adult males without wives, without children, without family relations, without permanent residence; compact and well disciplined under the control of the Chinese six companies; shipped to this country in great measure under labor contracts with wealthy houses in China; consigned to the six companies, on whose books they are enrolled, and who hold them in subjection partly by their oaths and superstitious fears, but mainly by the connivance of the transportation companies who dare not carry back a Chinaman alive without the consent of the six companies.

THEY DO NOT ASSIMILATE WITH US.

Second. These men born to a civilization which was cast in its present mold thousands of years ago, bred to habits of life and modes of thought presenting few points of sympathy with us, during the twenty-five years they have lived in California have made no progress whatever toward any assimilation with our own people. Indeed, considering their nomadic habits and the intense conservatism of their national character, we could hardly expect it. Be that as it may, they are to-day just what they were a quarter of a century ago.

A STATE WITHIN A STATE.

Third. Thus separated from our own people though in our midst, and clustering together, forming in the cities dense masses of population, ignorant of our laws and rejecting our customs, they form practically a government of their own inside of our Government. Their own secret societies are more formidable to them than the officers of our laws, and the criminal, shielded by a strong national sympathy, escapes the strong hand of justice.

IT RENEWS THE SPIRIT OF SLAVERY.

Fourth. The presence of this large body of foreign laborers, separated from us by sharply drawn lines, in a condition of semi-servitude, renews the old war of castes, and restores, in another form, those hateful divisions of society which we have just spent so much blood and treasure to break down.

ESPECIALLY HARD ON THE LABORER.

So far the bitterness of this struggle in California has fallen upon the poorer classes. The laboring men are unable to resist this movement. With families to support, with children to educate and maintain in decent comfort and respectability, they are no match for the Asiatics who come here single handed, with a hereditary frugality trained by centuries of want, and with habits of life reducing their needs to bare animal subsistence. It is idle to say that these matters must be settled by competition, that the strongest must survive and the weakest must go under in the struggle. This is nature's law—the law of brute force, and we are perpetually trying to modify it by the higher principle of protection. As well tell the farmer to let the weeds and the wheat struggle for survival. This more reasonable theory of protection finds a place in our legislation when we foster American manufactures and protect them from foreign competition, and the same principle that protects the cotton-spinner of Massachusetts, the iron-worker of Pennsylvania, or the sugar-planter of Louisiana, calls on you to come to the aid of the laborer of California and save him from this unequal struggle—all the more real because it is at our very doors.

Cheap labor and the accumulation of wealth are not the objects of republican government, but the creation of a prosperous, happy, and united people. Now, to reduce our men to the Chinese standard of a bare maintenance of animal life is to discourage immigration of white labor, and to substitute for it an inferior class of men, degrading labor itself by making it the heritage of a servile race instead of the privilege of a manly citizen, and renewing within our borders, as already stated, the system of slavery we have overthrown.

CALIFORNIA WILL BECOME A CHINESE PROVINCE.

If this invasion continues unrestricted, there can be only one result—white labor will be driven from the Pacific coast, and the gap supplied by Chinese. The statutes enacted by the State for our relief have been set aside by the Federal courts; the doors have been thrown wide open, and we have no refuge. The Chinese, crowded out of their own land by hunger and want, will flock across the ocean in swarms. As they accumulate capital will gradually creep into new lines of business, from which we are unable to dislodge them, till California becomes like Singapore—where they form three-quarters of the population—where they have driven the English out of different branches of trade and manufacture, and have absorbed

to a certain extent even the banking business, and own different lines of steamships plying upon the Indian Ocean; where they are so numerous and turbulent as to defy the authorities, who confess their inability to keep them in proper check, and have repeatedly been obliged to call upon the strong arm of the English navy to protect the city, and in one case were glad to avail themselves of the services of an American fleet.

THEY WILL CLAIM THE RIGHT TO VOTE.

As they increase in numbers in the Pacific States they will claim the right of suffrage, and in all probability will obtain it. They have become naturalized under the British government at Singapore, and have obtained seats in the colonial legislature in order the better to avail themselves of the advantages of a residence there, without renouncing at heart their allegiance to China, without ceasing to regard that as their home, and without modifying in any sense those prejudices and habits of thought, the fruits of their early education. So you will have in California a Mongolian state, occupied and ruled by aliens bound to us neither by sympathy nor interest, and that grand domain won from Mexico by the heroism of our soldiers will degenerate into a province of China.

NO HOPE FOR ANY CHANGE.

Sanguine philanthropists laugh at such predictions, and say that the Chinese will gradually change under these new influences and become like our own people.

In some remarks made in this House on the 8th of June, 1878, I reviewed the condition of the Chinese in all other countries to which they had emigrated, and showed that wherever they go they preserve their national characteristics and prejudices unaltered. Even in those countries live Java and Manilla, where they have lived for hundreds of years, their residence is marked by the same features as in California. Sir John Browning is a witness whose long residence in China entitles him to speak with confidence, while his well-known friendship for the Chinese would give him a bias in their favor; and he says, in his Kingdom and People of Siam:

* * * The Chinese do not emigrate to mingle with and be absorbed among other tribes and peoples. They preserve their own language, their own nationality, their own costume and religious usages, their own traditions, habits, and social organization.

And Sir Stamford Raffles, in his work upon Java, says substantially the same thing:

From their peculiar language and manners they form a kind of separate society in every place where they settle. Their ascendency requires to be carefully guarded against and restricted.

LIKELY TO FLOOD THE COUNTRY.

From all these considerations it is very evident that this immigration is not of a character which we care to encourage. The question simply remains, are they likely to come in sufficient numbers to justify the proposed legislation? On the one side of the Pacific Ocean is a vast empire densely packed with human beings, numbering hundreds of millions, where the wages of a common laborer are from fifteen to twenty-five cents a day, and whose poorer classes are plunged in such desperate depths of poverty as we can hardly conceive. On the other side is a young and blooming country waiting to be supplied with population, a land with genial climate and fertile soil, a paradise of hope to those wretched men, where a few years' labor will enable them to return home rich for life. The passage across varies from fifteen to fifty dollars, and the wealthy men of China are ready and anxious to furnish the means to ship them over under labor contracts. Will they come? Nay, they are here already, one hundred and fifty thousand strong, and in California they are numerous enough to form one third of the adult males of the State.

If, on the other hand, we turn our faces towards the East, we find that it costs the European immigrant from seventy-five to one hundred dollars to reach California. During the decade ending with the year 1877, 24 per cent. of all immigration by sea and land to California was from Asia. It has varied from time to time with the temporary prosperity or adversity of the State, and so during the last two years it has been checked by hard times and by fears arising from the political agitation of this subject. Should these fears subside, and prosperity in business revive, I have no doubt this immigration will pour in greater volume than ever. Nor will it be confined to California. The advance guard of the invading army has reached many of the principal eastern cities. The workingmen of the East already scent the danger, and the warning cry has gone up from their representative bodies, imploring you not to leave them at the mercy of this new enemy.

EUROPEAN ANXIETY ON THIS SUBJECT.

California is not alone in her anxious consideration of this subject. The advance of China in the arts and seiences since the breaking down of the self-imposed barriers around her has attracted the attention and anxiety even of the grave diplomatists of Europe. At the treaty of Berlin Count Schouvaloff, the Russian envoy, used the following remarkable language:

If the countless hordes of China and India are to be permitted to arm themselves with modern weapons and to acquire a practical knowledge of the art of modern warfare, there will be nothing to prevent them from rolling forth into Europe and crushing christian civilization out of existence. Especially were the Mongolians to be feared from this point of view, and he invited the Congress to take the matter into serious consideration and to deliberate upon the practicability of a league of the European powers, binding them to abstain from employing Asiatic troops in Europe, and to prevent, as far as possible the importation of arms of precision into Asia.

Again, the inereasing disposition of the Chinese to emigrate is eausing remark even in European literary eireles, and is made the subjeet of articles in their reviews, while it eauses serious alarm to their East Indian eolonies, who pray for restrietive legislation to ward off the threatened danger.

Sir Walter H. Medhurst in an artiele in the Nineteenth Century for September, 1878, entitled "The Chinese as Colonists," uses this language:

It follows that whatever may be the political changes that may transpire in the countries to which Chinamen resort, their condition will be the happiest for themselves, and safest for the country concerned, if they are dealt with as a subject people, and, as has already been remarked, as a community possessing abnormal characteristics, and therefore needing otherwise than ordinary treatment.

A subject people! This is exactly the basis on whieh the Freneh, Duteh, and Spanish governments deal with them in the East Indies, but this is impossible in republican America; and our only protection from their "abnormal charaeteristics" is to exelude them from our shores.

The Freneh, too, are alive to the importance of this movement. In the Revue des Deux Mondes for Oetober, 1878, is an article of profound interest to us, entitled "The Chinese Invasion, or Soeialism in the United States," from whieh I quote these words:

If nothing happens to check this movement before the end of this century China will have completely overrun California, and pushing forward her waves of emigrants, she will spread toward the rich and fertile plans of the center of the American continent. Only a war of extermination can then take from them what they will have peacefully conquered by the sole force of numbers, work, and slow, patient economy What such a war will be one can easily imagine; and this new conflict of races will attain proportions hitherto unknown.

And again:

It is evident that whenever the Chinaman becomes a permanent resident the invasion will increase by giant strides and the American population will disappear in these compact masses of Asiatics. Without the reverse current homeward, California would have been long ago a Chinese colony.

Now, Mr. Speaker, the Paeifie coast ealls upon you for immediate relief, and the feeling of the people is a unit in this matter. So far as they ean make themselves heard through their representative bodies, their social organizations, their politieal or religious conventions, their legislatures, and, last of all, through our California eonstitutional convention, there is but one voiee, and that is for the immediate restriction of this invasion now, before the evil assumes proportions beyond our control. There is no hope to be drawn from diplomaey. The policy of the Chinese government is delay—delay, forever delay. It is for us to aet and not to talk. It is as much the duty of Congress to repel this invasion as though these people eame with arms in their hands. Nor will the passage of this aet be in any sense a breaeh of good faith. The Burlingame treaty has had a trial of ten years and is found wanting. On the —— day of June, 1878, Congress notified the Exeeutive of its desire for a modification of this treaty. Before this act goes into effeet a year's notiee will have been given to the Chinese government of our intentions. Seven months of that year have elapsed, and we are no nearer our object than we were in June. What if they eontinue this polite delay indefinitely? Must our people suffer indefinitely? After the English had made their extradition treaty with us, they enaeted a statute controlling its operation without so mueh as saying "by your leave." Their aetion in the premises was far more arbitrary than what we propose in this bill.

It is time for us to aet in this matter now. Let us push baek this hostile invasion from our shores, and restore the traditions of a Republie united, harmonious, and free.

R. H. DARBY, Pr.

written or printed the words, "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such a manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If by such examination it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California. Present Constitution

ARTICLE XIX.

CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary. New.

SEC. 2. No corporation now existing, or hereafter formed, under the laws of this State, shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision. New.

SEC. 3. No Chinese will be employed on any State, county, municipal, or other public work, except in punishment for crime. New.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation. New.

NOTE.—It will be seen that the provisions of Section 1 of this Article apply to all aliens, and its provisions may be as well enforced against any other nationality as against the Chinese. The provisions of Section 3 are entirely useless, because so long as the Chinamen have no votes there is no danger of their employment upon any public works of the State, or any city or county. As to the provisions of sections 2 and 4, they are so manifestly in violation of the Constitution and laws of the United States that they cannot possibly be of any avail.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no New.

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New. law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each House, may provide, submitting the question of change to the people.

Same in present Constitution. SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution.

Same. SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation :

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of——, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office of public trust.

Same in present Constitution except italicized words. SEC. 4. All officers *or Commissioners* whose election or appointment is not provided for by this Constitution, and all officers *or Commissioners* whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

Same in present Constitution. SEC. 5. The fiscal year shall commence on the first day of July.

Same. SEC. 6. Suits may be brought against the State in such manner and in such Courts as shall be directed by law.

Same. SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

New. SEC. 8. All property, real and personal, owned by either husband or wife before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property.

NOTE.—The statute already makes provision precisely like this. The old Constitution has the following section in reference to the rights of the wife :

Present Constitution SEC. 14. All property, both real and persenal, of the wife, owned or claimed before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

We see no reason why the above section should not have been incorporated in the new Constitution, but every reason why it should have been retained.

Same in present Constitution. SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes.

Same. SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Same in present Constitution except italicized words. SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, *malfeasance in office*, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Same in present Constitution SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person.

SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution. Same.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a State Board of Health. Same.

SEC. 15. Mechanics, material men, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens. New.

SEC. 16. When the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be declared by law; and, if not so declared, such officer or Commissioner shall hold his position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years. Same in present Constitution

SEC. 17. Eight hours shall constitute a legal day's work on all public work. New.

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession. New.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the Convention framing this Constitution, including the per diem of the Delegates for the full term thereof. New.

NOTE.—This section provides for a species of special legislation, which, it is believed, will not be acted upon by the Legislature.

SEC. 20. Elections of the officers provided for by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election. New.

ARTICLE XXI.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction, and following the direction of the Pacific Coast, to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast. Same in present Constitution

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not New.

New inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

New. SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

New. SEC. 3. All Courts now existing, save Justices' and Police Courts, are hereby abolished; and all records, books, papers, and proceedings from such Courts as are abolished by this Constitution shall be transferred on the first day of January, eighteen hundred and eighty, to the Courts provided for in this Constitution; and the Courts to which the same are thus transferred shall have the same power and jurisdiction over them as if they had been in the first instance commenced, filed, or lodged therein.

NOTE.—By referring to sections three and six of Article VI. (Judicial Department), it will be seen that the Chief Justice and the Associate Justices of the Supreme Court do not enter upon the duties of their office until the first Monday *after* the first day of January next succeeding their election, and that the Judges of the Superior Courts take their offices on the first Monday in January next succeeding their election. The first day of January next happens on Thursday; hence, by the abolition of existing Courts on the first *day* of January, there will remain four days without a Court of Record in the State, during which time, should a party be unlawfully imprisoned, there is no Court or power to grant a writ of *habeas corpus*. Should a person trespass upon the property of another, and threaten to do irreparable injury, no injunction could be obtained to prevent the consummation of the threatened wrong. During these four days, should an insolvent debtor remove his property without the State for the purpose of defrauding his creditors, or attempt to leave the State for like purpose, no writ of attachment or order of arrest could be obtained. Any and all outrages, as to property, not criminal, could be perpetrated within these four days, and there would be no Court to prevent them.

New. SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State Printing Office, in pamphlet

form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post-office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several Postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election. New.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the Clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the New Constitution." He shall likewise cause to be so printed and delivered to said Clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "Against the New Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section. New.

SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of Elections, at each election precinct or polling place in their respective counties, suitable registers, poll-books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the Presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the Clerk of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county. New.

SEC. 7. Every citizen of the United States entitled by law to vote for members of the Assembly in this State shall be entitled to vote for the adoption or rejection of this Constitution. New.

SEC. 8. The officers of the several counties of this State whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meetings for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said Boards shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California. New.

SEC. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified. New.

New. SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen, after the adoption of this Constitution, shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected.

New. SEC. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

New. SEC. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

NOTE.—By referring to Sections 2, 15 and 17 of Article V. (Executive Department), it will be seen that the Governor and all other State officers take their offices on the first Monday after the first day of January subsequent to their election, and, as the Constitution takes effect absolutely at 12 M. on the first day of January, 1880, and, as there is no provision whatever in the new Constitution that the old officers shall continue in office until the election and qualification of their successors in office, the State will absolutely be without any State government whatsoever between 12 o'clock meridian on the first day of January, 1880, until Monday, the fifth day of January. Hence, we will not only be destitute of Courts, of a commander-in-chief of our militia, and of all other State officers, but will be thrown into anarchy and chaos, subject to disorders and insurrections, without any legal authority to check the same. There cannot even be an officer *de facto* for the reason that no such office or Courts exist during that period.

A thorough examination of the various provisions of the new Constitution, and comparison of the same with the Statutes and Codes in force under the old bill, shows that most of the new provisions that are of value are already contained

in the Statutes and Codes, which latter are in more instances than one far better than the provisions of the new Constitution. Take for instance the provision for a mechanics' lien, to be found in Section 15 of Article XX, which provides that mechanics, material men, artisans and laborers shall have a lien upon the *property* upon which they have bestowed labor, &c., and compare it with section 1184, title 4 of the Code of Civil Procedure, and it will be found that the Code gives the mechanics, &c., a lien upon the *land as well* as the property or building constructed thereon, while the new Constitution limits it to the property on which the work, &c., was performed, which would of course embrace the building only. Very many objectionable sections have not been referred to at all in these notes, but only some of the most prominent. Among those not before mentioned are the following :—

Section 15 of Article I, which increases the cases where parties may be imprisoned for debt, in civil actions. Also, Section 1 of Article VII, which prohibits the granting of a pardon *or commutation* of sentence in all cases where the convict has been tried and convicted of felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court. (Why should not an innocent man twice convicted be pardoned as well as any other?) Also, section 2 of Article VIII, which prohibits military organizations while under arms (which may be composed of citizens of foreign birth) from carrying any device, banner or flag of the country of their nativity. Also, Section 18 of Article XI, which allows counties, cities, towns, &c., to incur indebtedness without limit, while Section 37 of Article IV of the old Constitution, makes it the duty of the Legislature to provide for the organization of cities and incorporated villages, and restricts their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit so as to prevent abuses in assessments, and in contracting debts by such municipal corporations.

When it is remembered that the old Constitution has been, during the last thirty years, thoroughly considered and interpreted by the Supreme Court and is now well understood,

that about two hundred and fifty different cases concerning the same have been presented to, considered and adjudicated by that tribunal in order to arrive at such a result, the people may well hesitate before launching upon the sea of litigation and uncertainty that is before them, should this crude, ill-digested and contradictory instrument, called the new Constitution, be adopted.

THE

True Sentiments

OF THE

REPUBLICAN PARTY

Of California,

ON THE

CHINESE QUESTION

—BY—

Gen. John F. Miller

In the discussion of this question, it has been asserted on the one side with much apparent confidence—and as vehemently denied on the other—that the opposition to Chinese immigration is confined to political demagogues, ignorant foreigners, and the vicious, unlettered element of California society. While this contention is of but little importance in the process of solution of the main question, which must be settled from considerations higher than are to be found in the character of the advocates upon either side, still it was deemed expedient to make an attempt to eliminate the question of character from the discussion by definitely showing what proportion of our people, honest or dishonest, were for Chinese immigration, and what proportion were against it. To this end, the people of this State were recently requested, by a statute law, to express their opinions upon the main question by ballot. The response was general, and when the ballots were counted, there were found to be 883 votes for Chinese immigration, and 154,638 against it.

This action will probably be regarded as decisive of all it was intended or expected to settle, but this is not all. California has with surprising unanimity and supreme earnestness, after exhaustive discussion and passionless deliberation, declared, by this, the best method known to a free people, in favor of a policy of exclusion toward certain classes of Chinese immigrants. What shall be the influence of this declaration—so deliberately made—upon the mind [illegible] those who are charged with the ultimate solu[illegible] the great problem, is a question which must bide its time for answer. It may be important to note, however, that this action is taken by a people who are not unmindful of the spectacle which they, in themselves, present. This stand is taken in plain view of all mankind and is maintained without a blush, in the full blaze of the civilization of the nineteenth century. Is it the attitude of ignorant defiance of the world's opinion? or is it the earnest, dignified protest of a spirited people? Does it display base motives, an illiberal, unreasoning spirit and temper? or is it the expression of honest, intelligent men, who believe they are in the right, and realize what they are doing? These questions must yet be answered sooner or later; California must yet be justified in this position, or stand abashed and humiliated before the civilized world. The situation is interesting, if not dramatic, and challenges the attention of American publicists and statesmen. Such an attitude would never have been assumed by any people of average intelligence without some good reason, and it is to be presumed that some individuals of the one hundred and fifty-four thousand who voted for Chinese exclusion, are able to give their reasons for this action. Many of these reasons have been given, and repeated in almost endless forms of reiteration, until it is perhaps impossible to present anything new, either in fact or argument, upon the subject. Some of the reasons which have been given are founded upon considerations of public policy, others upon moral duty, others upon principles of economic science; but the general foundation of all is, perhaps, in that higher law, which is the oldest of all human laws, the law of self-preservation. The people believe themselves to be engaged in an irrepressible conflict." The two great and diverse civilizations of the earth have finally met on the California shore of the Pacific. This is a consummation which was prophetically seen by philosophers long ages ago, and which was expected to mark a most important epoch in the history of mankind.

Speaking of this event in the United States Senate, session of 1852, William H. Seward characterized it as "the reunion of the two civilizations, which, parting on the plains of Asia four thousand years ago, and traveling in opposite directions around the world, now meet again on the coasts and islands of the Pacific Ocean." He then adds: "Certainly no mere human event of equal dignity and importance has ever occured on the earth." In this connection he made the prediction that this great event would be "followed by the equalization of the condition of society, and the restoration of the unity of the human family."

The first fruits of this process of "the equalization of the condition of society" are now visible in California, and the public judgment is, that this equalization of condition and the "restoration of the unity of the human family," so far as it relates to the antipodean peoples who have here met, will be effected—if at all—at the expense of the life of Anglo-Saxon civilization. The two civilizations which have here met are of diverse elements and characteristics; each the result of evolution under contrariant conditions—the outgrowth of the centuries—and so radically antagonistic that any merging together or unity of them now seems impossible. Experience thus far indicates pretty clearly that the attempt will result in the displacement or extinct

ion of one or the other. They can no more mix than oil and water—neither can absorb the other. They may exist side by side for a time, as they have endured here for nearly thirty years; for let it be understood that there is a small but growing province of China on the Pacific Coast; and that in the very heart of our metropolis there is the City of Canton in miniature, with its hideous gods, its opium dens, its slimy dungeons, and its concentrated nastiness.

The Chinese have existed here for more than a quarter of a century, in an organization as complete as any among men—displaying every characteristic of Chinese civilization; subjected all this time to the influence and example of western civilization, modern thought, American laws, and Christian teaching, and they have remained changeless and unchangeable; as immutable in form, feature, and character as if they had been moulded like iron statues when made, and never "of woman born"; as fixed in habit, method, and manner as if, in their daily lives, they were but executing some monstrous decree of fate. With their heathen temples, which they have here set up, they brought also a code of laws, which their chiefs enforce upon their people with relentless vigor, under the sanction of penalties the most dreadful, imposed by secret tribunals, who are enabled, under the concealment of an unattainable dialect and other hidden ways, to execute their decrees in the very shadow of our City Hall—within pistol-shot of the office of our Chief of Police. They exist here under a Chinese system of government not unlike that under which they lived on the banks of the Se-Keang, and this in spite of American laws, and in defiant contempt of American police. Thus far, no visible impression has been made here upon the Chinese, or their peculiar civilization. Their modes of life are the same that they and their ancestors have for fifty centuries pursued, in their fierce struggle with nature for subsistence.

Here we have found the Chinaman utterly unable to emerge from the character which has been stamped upon him and ground into him by habit and a heredity as old as the records of man. He seems powerless to be other than he is, and he would not be other than he is if he could.

It is a fact of history that wherever Chinese have gone they have taken their habits, their methods, their civilization with them, and have never lost them. Other people go abroad, and sooner or later adopt the civilization and habits of those by whom they are surrounded, and are absorbed in the mass of humanity with which they have come in contact. The European immigrants, within a short time after their arrival in America, become Americanized, and their descendants are genuine Americans. These Chinese are always Chinese in every characteristic of mind, form, feature, and habit, precisely the same as their ancestors. We have not only our experience of thirty years with the Chinese, but numerous historical examples of like character, all tending to prove that the Chinese are perfectly unimpressible; that no impression has been or can be made upon the civilization which here confronts ours.

These questions here arise: If we continue to admit this immigration until the Chinese form a considerable part of our population, what impression will they make upon the American people? and what will be the effect upon Anglo-Saxon civilization? Can the two civilizations endure side by side as two separate forces? If not, which will predominate? When the end comes for one or the other, which will be found to have survived? All these queries presuppose that the present unique experiment will be permitted to proceed. But it is not probable that the American will abandon his civilization and adopt that of the Chinese. It is quite as impossible for him to become such a man as the Chinaman is, as it is improbable that the Chinaman will become such as the American is. Nor is it probable that the American will abandon his country and give it up to the Chinaman. Can these two meet half-way? Can a race half Chinese and half American be imagined? A civilization half Anglo-Saxon and half Chinese? It is possible that the experiment now going on will be brought to a halt before it comes to that point. This attempt to take in China by absorption is likely to result in an epidemic of "black vomit." Is it not manifest that at some time in the future—should Chinese immigration continue—a policy of exclusion toward these people must and will be adopted in the fulfillment of the law of self-preservation? Why not adopt it now?

It is said in answer to all this that the Chinese do not come in sufficient numbers to in any way disturb the equilibrium of American society or threaten American institutions; that there is no danger of any large immigration of Chinese; that they have a right to come under treaty stipulation; and much more involving considerations of moral and religious duty, and which the limits of a single article forbid us to mention or discuss.

That an exodus from the province of Kwang Tung in China has begun cannot be denied, and that more than enough of these adventurers to form the population of a new State of the Union are actually in the United States will not be disputed. They have entered California because it is the nearest of all the States, and most accessible. They would thrive just as well in any of the States of the Union, and this they are rapidly finding out. They are coming in numbers exactly proportionate to the openings for them, and those who have been here the longest, and are the most intelligent and opulent, are engaged in creating new openings. At first nearly all who came were mere laborers of the lowest order, men who only sought labor under the direction of superiors. The American was then the superior who directed their labor; but now there are thousands of Chinese proprietors and managers in California who direct the labor of their fellows as skillfully and successfully as ever the Americans were able to do. These have entered in competition with American employers, and thus not only furnish labor for their countrymen, but force the American proprietors to employ labor of the same grade. Many American proprietors have refused and still refuse to give employment to Chinese, but it is found that this practice of self-denial for the common good is at the cost of fortunes, and that it has no appreciable effect upon Chinese immigration. It only serves to multiply Chinese proprietors and new openings, and the Chinese continue to pour in as before.

All the Chinaman needs to make him an employer is capital. The accumulations of past years are now being used as proprietary stock, and the disposition to so use them is rapidly growing. Skilled in handiwork, they have only to learn how to apply it, and they are as competent to

direct labor as any proprietors. For example, they learned at low wages the whole business of making American shoes and cigars. Now the shoe-factories and the cigar-factories of San Francisco are, for the most part, carried on by Chinese, and their former employers are driven from the business. Having been trained at home in the art of wresting from the earth the largest possible production, and seeing here what sorts of the earth's produce are of greatest value, they have become the autocrats of the garden, and our markets teem with the fruits of their tillage; none but a few Italians being left to contend against them in gardening. They have, in the same way, come to understand the intricacies and the whole art of field husbandry, and now they begin to appear as farmers and landed proprietors. Even the American who employs the Chinese as laborers finds that he can not compete with these, because the Chinese farmer brings raw recruits from China for his farm, by a process unknown to the American; and, being bound to him by contracts, made in China, for a term of years—which to break involves more to them than life itself—they gladly and faithfully work for three dollars a month. (This statement can be easily verified. It is asserted by those who know, that there are many young Chinese now working for Chinese employers on the low lands bordering the Sacramento, for three dollars per month, under contracts such as are described above.)

Practically, China is the great slave-pen from whence laborers for this country are being drawn; and there are myriads now ready, and only stand waiting for the beck and sign of Chinese chiefs, to come and toil like galley-slaves for wages upon which an American laborer would starve. Even here, in this sparsely settled region, successful competition by white men with Chinese, either as laborers or proprietors, is found to be impracticable, in all the employments and industries involving manual labor in which the test has been made, and particularly in all light employments hitherto filled by women and young people. The immediate effect of this is seen in the tardy increase of our white population. The ratio of increase is not now equal to that of natural increase without the aid of immigration. White immigration to California has ceased, or if not entirely stopped, it is more than balanced by emigration. It is open to observation that thousands of our white laborers are quitting California to escape Chinese competition, and are moving upon the northern Territories, where but few Chinese have yet penetrated; for the Chinaman is not the fearless pioneer who first subdues the forest or makes the desolate plain to blossom. He waits until others have won the conquest of nature, and then he comes and thrives in the contact with other men. The process of the displacement of the Caucasian and the planting of the Chinese instead, has here begun, and it is going on, slowly it may be, but steadily, with the silent, inexorable movement of time. And this process will continue until a crisis is reached and passed, and a new departure is made in our civil polity as respects immigration.

How the Chinese are thus able to supplant white men in their own country has often been explained. Volumes have been printed illustrative of the phenomenon, and explanatory of the possibility of a thing which would at first seem improbable. The clearest and most satisfactory exposition of this branch of the subject which has yet appeared, perhaps, is by an abler writer in the *North American Review* for June, 1878—Mr. M. J. Dee. He shows, by scientific reasoning and fact, that it is not the highest, most vigorous, or enlightened type of man that always survives in the struggle for subsistence: "He may conquer an inferior people, and govern them for a time, but if they can produce as much as he by their labor, and are content to live on much less, he will either become like them in course of time, or disappear." Applying this to the Chinese, he shows that it is their revolting characteristics which make them formidable in the contest for survival with other races of men: "His miserable little figure, his pinched and wretched way of living, his slavish and tireless industry, his indifference to high and costly pleasures which our civilization almost makes necessities, his capacity to live in swarms in wretched dens where the white man would rot if he did not suffocate." The method of the Chinese is also graphically described by Hon. A. A. Sargent, in a speech delivered before the United States Senate in March, 1878: "The Chinese work for wages that will not support a white laborer's family, being themselves well fed on a handful of rice, a little refuse pork and desiccated fish, costing but a few cents a day; and, lodged in a pig-sty, they become affluent according to their standard on wages that would beggar an American."

In the long warfare of his race for the means of existence, the physical character of the Chinaman has become adapted to the very smallest needs of human life, and with a capacity for the largest labor. He is a man of iron, whom neither heat nor cold seems to affect; of obtuse nerve, and of that machine-like quality which never tires. His range of food is the widest of all known animals—embracing as it does the whole vegetable kingdom, and including every beast of the earth and creeping thing, and all creatures of the sea, from the tiny shrimp to the great leviathan of the deep. He can subsist on anything, and almost upon nothing. He has brought with him the *Chinese* science of sustaining human life, and he shows no disposition to lose it. The white man cannot acquire it, and does not want it. He could only get it by an experience such as the Chinese have gathered in the long ages of their history. This represents in some degree the advantages which the Chinese have over our race in the battle for the "survival of the fittest." When we reflect upon the time it has taken the Chinese to train their bodies down to their present state, in which they possess the capacity for labor and the power of endurance equal to that of the most stalwart races, at the same time possessing such a marvelous vital organism and digestive machinery that they are enabled to subsist on less than half the food necessary to sustain life in other men, we begin to see the impossibility of the American Caucasian ever coming to the Chinese standard in these respects; and when we think of what that training has cost—of the pinching hunger, ceaseless, grinding toil, the human misery, the unspeakable horrors of that long, doleful agony of the ages, which has made the Chinese what they are—the mind shrinks from the contemplation of the possibility of such a fate for the Anglo-Saxon race on this continent.

Those who affect to believe the territory of the United States sufficient in extent and fertility to afford a home for all mankind, and stretch forth their arms in generous invitation and welcome to all sorts of peo-

ple, have probably never thought much of the future of their country, nor considered well the interest of posterity. Suppose all immigration to be now stopped, how long a time would elapse until the United States should be, by natural increase alone, as densely populated as any European State? Malthus cited the United States as an example in which the natural increase of the human race is in a geometrical ratio, fixing twenty-five years as the term in which the population doubles itself. Macaulay approves this estimate. Adam Smith wrote that "in North America it has been found that the population doubles in twenty or twenty-five years." The general estimate, by those who have given the subject attention, is, that a healthy, vigorous population will, under favorable conditions as to food, climate and space, double itself by natural increase every twenty-five years. Our census returns do not probably prove the exact correctness of this statement, if applied to the United States, but the estimate is not far out of the way. Taking, then, thirty years as the term in which the population of this country would double, without the aid of immigration, we should have in sixty years one hundred and eighty millions of people. Permitting immigration, but limiting it to European people alone, we should unquestionably have that number within sixty-years—perhaps within fifty years. Supposing the territorial area of the United States to remain the same it now is, long before the second centennial year the question of subsistence will have become the "burning quesiton" of the time. The grandchildren of many who now so benevolently invite Chinese immigration may find it difficulut to obtain a homestead, even upon the bleak gravelly plains of the great "American Desert."

It is perhaps an open question now, whether the United States as a nation has or has not come to that condition, in which invitations and inducements to immigration are unnecessary and mischievous. It is certain that immigration is not a necessary aid for the settlement of the country embraced within the present national boundaries, for by natural increase alone of the present stock this area will, within a century, become so crowded that the conquest of the whole continent will be regarded as a necessary measure of relief. Since it is clear that the country is not large enough, and cannot be so extended (without making republican government impossible) as to accomodate a moiety of the human race who desire to cone, is it not time to begin a rational discrimination among the varieties of men who are crowding in upon us? Or is it to be said that there is no choice among the races of men, and that all immigrants are equally desirable? Or, if it be admitted that some sorts are more desirable than others, has the nation no power of discrimination? After what may be considered a patient trial, the Americans of the Pacific States are of the opinion, that there is a vast difference between the varieties of men who come to the western shore, and that of all the bad sorts who come and continue to come, the Chinese are the worst. They believe also that the nation has the power to discriminate against these, and that the time has come to exert that power.

It ought not to be forgotten, in considering this subject, that man is in a certain sense an animal—that there are different types of men as there are various breeds of a particular kind of animal, and that from climatic causes, the character, quality, and variety of food, the influence of employment, of care, shelter, particular habits, and other causes, some of these types in the process of evolution have attained to a higher plane in life than others, just as some breeds or strains of the same kind of animal are found to be better than others; that the lower types of men, as in the case of other animals, generally under like conditions, increase most rapidly, and that the tendency is therefore toward a predominance in point of numbers of the lower types, where there is no intelligent interposition or restraint. It has come to be regarded as axiomatic that the increase of animal life, including man, within any particular environment, is limited only by the means of subsistence.

In considering the question of moral duty in the alleviation of the distress which has resulted in China from overpopulation, by inviting immigration hither, it is well to remember that the Chinese have abundantly illustrated the foregoing axiom. They are a type of humanity who have increased and kept up to the utmost limit of subsistence, never practicing any intelligent restraint, but just as fast as the pressure of want has been relieved by emigration to this and other countries, or in any other mode, the measure of increase has been again filled; so that, in fact, emigration is but a temporary relief to those who remain at home, and furnishes to such a people no permanent alleviation. The emigrants are alone benefited, and this, as we have seen, is at the expense of our own people. If twenty million Chinese were to emigrate to America as fast as ships could be found to carry them, their places would be again filled in China by natural increase within a short period, and the immigrants would supplant an equal number of white people in this country. The benevolence which prompts the unlimited admission of these millions into our country is misdirected, for the effect of it is simply to aid the increase and distribution over the earth's surface of an inferior variety of man, and to check the increase and distribution of a superior type. It makes China the breeding ground for peopling America, and that, too, from a bad and scrub stock. The effect of this proceeding upon our own race and people, and the institutions they have here established, is the matter of supreme importance. "Charity should begin at home."

Nor are we alone to consider the immediate effect of the presence of the Chinese as a part of our population, but we must look beyond that, and think of the elements which they will infuse into our society as progenitors. With that heredity which moulds and forms and directs the Chinaman, which is his life and being, and from which he can never escape, it makes no difference whether the child of Chinese parantage is born in the United States or in the Mountains of the Moon, he will be a Chinaman still. It is in the blood. There can be no mixture of that blood with the Caucasian without the deterioration of the latter race. At present there does not seem to be very great danger of the mixture, but should the Chinese continue to come as they now come, it will in time take place. It is not the fault of the Chinese that marriages with whites have been so rare. In their civilization woman is a chattel. The Chinaman's title to his wife is "title by purchase." Numerous attempts have been made in California to acquire this title to white women, but generaly without success. While Chinese women in California bring, in the Chinese market, for wives, from five to six hundred dollars,

as high as three thousand dollars is known to have been offered by Chinamen for a white woman as a wife, and frequently one thousand to fifteen hundred dollars. These are most notable examples of Chinese extravagance, for they are singularly economical in all else.

Whenever the Chinaman becomes a citizen (and this must follow logically from a policy of unrestricted admission into the country), when he begins to vote and hold office, it is probable that it will not be so dificult to find a wife in the country of his adoption.

But it is vain to pursue this line of inquiry further. The infusion of such an element, whether by one mode or another, into American society, places republican government and free institutions in the face of new dangers. A people who boast a civilization more than six thousand years old, and who have not yet advanced in the evolution of conduct to the conception of moral principles—whose highest achievements in ethical science culminate in the Confucian maxim, "honesty is the best policy," and in whom not a trace of, nor even a substitute for, the moral sense or concience ever appears—give no promise of attaining to the enlightenment which qualifies a people for republican government and the appreciation of American institutions. If the Chinese came with arms in their hands seeking a conquest of this country by force, what a magnificent spectacle of martial resistance would be presented to the view of an admiring world! The motive and effect of the present peaceful invasion is the same as in the case of an invasion by force. The method by which the conquest is to be accomplished differs, but the result is the same. Resistance by force to one of these modes of invasion would be applauded as the exhibiton of the loftiest patriotism and the strongest devotion to the great interests of mankind. Those who should conduct such resistance, and make successful defensive war, would be named the patriots and heroes of the nation.

Why, then, is peaceful resistance to a stealthy, strategic conquest, without force, characterized as illiberal and morally wrong? The motive for resistance is the same in the one case as in the other. It is to save our country from the contaminating influence of the Mongoloid and his civilization. It is to preserve this land for our people and their posterity forever; to protect and defend American institutions and republican government from the Oriental gangrene. And this is the duty of every American citizen. In the words of Cardinal Manning: "It is the duty of every member of a commonwealth to use his utmost power to hinder all evil, and to do all good he can, to the State or people to which he belongs. These are positive and natural duties which he can not fail to discharge without culpable omission, or rather without a dereliction and betrayal of the highest natural duties, next after those which he owes immediately to God." We of this age and country hold republican government and free institutions in trust for Anglo-Saxon posterity. If this Oriental invasion continues by our permission, the trust may be betrayed.—*The Californian, March No.* 1880.